

**Final Report of Decisions and Order on
Statewide School District Merger Decisions
Pursuant to Act 46, Sections 8(b) and 10**

**November 28, 2018
Vermont State Board of Education**



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Introduction

This Final Report of Decisions and Order, prepared and issued pursuant to Sections 8(b) and 10 of Act 46, is the culmination of an intensive, years-long process focused on achieving more efficient and sustainable school governance structures and thereby improving student access to quality PreK-12 education in Vermont and enhancing the ability to meet the other goals of Act 46.¹

Overall, Act 46 is proving to be a significant transformative force in the state, and is showing signs of constructive success. The General Assembly through Act 46 has sought to right-size school governance to yield more equitable, effective, and efficient outcomes for the benefit of our students, their communities and the state. The Board has been faithful to the mandates and spirit of Act 46. This has not been without controversy and conflict, as many school districts have shown determination in maintaining their status quo as in their judgment it is in the best interests of their students. As the Board approached and made each tough decision, it repeatedly went back to the language of Act 46, as amended, for its guidance and goals. We believe that the result – this Final Report of Decisions and Order – carries out the General Assembly’s express will.

The Board supports the General Assembly’s vision for consolidation of school governance as an essential (but not sole) strategy toward improving equity, excellence, and efficiency in the state’s PreK-12 education system. With its adoption of this Final Report and Order in compliance with legislative directive, the Board stands ready to work with the General Assembly and the Governor to continue these efforts, consistent with the vision and goals of Act 46.

¹ In order “to move the State toward sustainable models of education governance[, the] legislation [was] designed 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.

Overview of Act 46; the Board’s Review and Decision-Making Process

Act 46: Background and Legal Framework

This Final Report of Decisions and Order represents the culmination of a multi-year realignment and consolidation of Vermont’s PreK-12 education governance system, as directed by Act 46 (2015) and Act 49 (2017) and the earlier legislation they incorporated. Through these acts, Vermont’s General Assembly dictated processes to consolidate school districts into larger, more sustainable units to achieve the following goals:

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
5. provide educational opportunities that are delivered at a cost that parents, voters, and taxpayers value

The General Assembly defined a legal framework to guide voluntary mergers and other school district governance actions through processes that would ensure that the final constellation of governance structures would possess certain key attributes, either through the “preferred structure” (a supervisory district) or through the “alternative structure” (a supervisory union containing more than one school district). Acts 46 and 49 provided considerable flexibility in the routes that mergers (voluntary or otherwise) could take, so long as the chosen path arrived at a place where the final governance structures possessed these attributes and were best positioned to achieve the goals of the law. In summary, the attributes for each governance structure are as follows:

Preferred structure

- unified PreK - 12 district,
- serving more than 900 students
- its own supervisory district (i.e. a single-district supervisory union)

Alternative structure

- supervisory union with two or more member school districts
- member districts consider themselves to be collectively responsible for the education of all prekindergarten through grade 12 students residing in the supervisory union
- the supervisory union complies with 16 V.S.A. § 261a and 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

- the combined average daily membership of all member districts is not less than 900
- the supervisory union has the smallest number of member school districts practicable, achieved wherever possible by the merger of districts with similar operating and tuitioning patterns and after “consideration of greatly differing levels” of indebtedness

As noted above, Act 46 identified the “preferred structure” for sustainably meeting the identified educational and fiscal goals as a unified union school district that is its own supervisory district (SD). In several regions of the state, the Board’s Final Report of Decisions and Order does not create the preferred structure as it is defined in Act 46, but instead creates a unified union school district that is a member, with one or more additional districts, of a larger supervisory union (SU). Geographic realities, variations in operating structures, and the requirement that any district that is not its own SD must be assigned to a multi-district SU have limited the Board’s ability to create true preferred structures, given the authority granted to it by the Act. In response, the Board has chosen to hew as closely to the intent of the Act as that authority will allow, creating preferred structures wherever possible, and in all other cases, creating sustainable governance structures with the fewest number of districts possible and practicable. Throughout this Final Report of Decisions and Order, the term “preferred structure” may sometimes be used more colloquially to refer to a unified union school district that meets all elements of the formal definition, except that it is a member of an SU rather than its own supervisory district.

The Board’s Review and Decision-Making Process

While consolidation of school districts is inherent to the formation of a preferred structure, there has been considerable public debate about the requirements for consolidation within an alternative structure (i.e., an SU). The final attribute of the alternative structure (smallest number of member districts) was a key factor in the Board’s decision-making process with respect to locally opposed mergers within alternative structures.

The initial phase of this process provided communities with supports to identify and pursue opportunities to voluntarily merge local school districts into larger governing units. As an incentive, this initial phase provided financial supports to assist with the merger planning, and harmonization and stabilization of tax rates for qualified mergers. The remaining districts that did not find their way into a qualifying merger, or were not otherwise exempted under the law, were subject to the final phase of the merger process, which is the subject of this Final Report of Decisions and Order.

For this final phase, the General Assembly directed the Secretary of Education to develop a proposed statewide plan to consolidate these remaining districts, and directed the Board to issue an order to implement the Secretary’s proposed plan in its original or amended form by November 30, 2018.

Section 9 of Act 46 (as amended by Act 49) provided remaining districts with the opportunity to submit proposals (commonly referred to as “Section 9 Proposals”) to the Secretary and Board by December 2017 in which the districts proposed to retain or redefine their existing governance

structures in a manner consistent with the requirements of the law, including demonstrations of how the proposal supported the ability to meet or exceed the Act 46 goals and identification of detailed actions to support improvements.

Act 49 further directed the Board to adopt rules governing the submission of Section 9 Proposals, which the Board promulgated as Rule Series 3400 in 2017. Nothing in Act 46, Act 49 or Rule Series 3400 conveys any special exemptions or “off ramps” to districts submitting a Section 9 Proposal. It is notable that a majority of the formal Section 9 Proposals requested a continuation of existing school district structures, rather than consolidation. Yet, for an alternative governance structure (i.e., a multi-district SU), the law clearly points to an expectation that supervisory unions should have the fewest number of member school districts, to be achieved through the consolidation of school districts with similar operating and tuitioning patterns. In fact, Act 46, Sec. 8(b) permits the Board to “approve the creation, expansion, or continuation” of a multi-district SU “only if the Board concludes that this alternative structure ... is the best means of meeting” the goals of Act 46.

The Proposed Statewide Plan, which was issued by the Secretary of Education on June 1, 2018, was the starting point for the Board’s review. In addition to providing specific recommendations, the Secretary’s Proposed Plan provided extensive background information on each of the remaining districts, including a summary of discussions that the AOE had with each district, financial and performance data, and a summary and analysis of each Section 9 proposal submitted. The Board’s review was further augmented by the testimony it heard, and the supplemental material and comments received, from school districts, administrators, students, and other members of the public. The State Board also explicitly invited local boards to identify what they believed the Secretary’s Proposed Plan got wrong or missed when analyzing their districts.

The Board and each of its members invested a significant amount of time reviewing and contemplating the Secretary’s Proposed Statewide Plan, including its “Background” and “Summary of Process” sections, as well as the Section 9 Proposals and all other written materials submitted to the Board. Once the Board concluded listening to local reactions to the plan at its July, August, and September meetings, the Board began to process the testimony of the previous three months and explored potential development of defining principles. While it was relatively straightforward to decide that it was “possible” to merge a district in the sense of *legally* “possible,” it was sometimes tougher for the Board to determine when a merger was “practicable.” The Board wrestled with whether and how to give weight in the final phase of Act 46 to local opposition votes cast at various stages of the process and how to properly consider Act 49’s guidance that a “supervisory union has the smallest number of member school districts practicable after consideration of greatly differing levels of indebtedness among the member districts.” (Act 49, Sec. 5)

In the end, the Board opted to focus on the text of Act 46, as amended, and did not adopt any additional guiding principles, concluding that the Legislature authorized the State Board to make judgments based on the goals and guidance of the Acts. The Board has striven to do so in an equitable way consistent with the law.

After careful review and deliberation, the Board chose to support many of the Secretary’s proposals, but there are several instances where the Board came to different conclusions and chose to depart from those recommendations. In each of these instances, the Board has outlined its rationale within this Report. In constructing the final statewide plan, the Board looked for opportunities to create preferred structures, but where this was not possible (e.g., due to dissimilar operating structures, which cannot be merged under the law) or practicable (e.g., due to a lack of geographic cohesiveness), the Board chose to implement an alternative structure with the attributes specified in the law (including that supervisory unions have the smallest number of school districts practicable).

The Board’s Final Decisions on the Secretary’s Proposed Statewide Plan²

Decisions Approving the Secretary’s Proposals that Affirm the Current Governance Structure

The Board’s decisions in this Section are made to “approve the [Secretary’s] proposal either in its original form or in an amended form that adheres to the provisions of subsection (a),” pursuant to Act 46, Section 10(b).

Upon review of the proposals in the Secretary’s June 1, 2018 Proposed Statewide Plan (the “Proposed Plan”), the school boards’ Sec. 9 Proposals, testimony from the school boards at State Board meetings, and other input and supplemental information from the involved communities and their school district leadership, the State Board approves the Secretary’s proposals to affirm the current governance structure of 35 school districts that are subject to the Board’s consideration in this Final Report of Decisions and Order.

The Pittsfield, Sandgate, Searsburg, Stratton, and Winhall School Districts (Secretary’s Proposals #16-20)

This group of proposals in the Proposed Plan comprises single town school districts that provide for the education of all students in prekindergarten through grade 12 by paying tuition to the schools in which their students enroll. The Board agrees with the Secretary’s analysis and recommendation for these districts, finding that merger of nonoperating districts will not increase the district’s ability to meet the educational and fiscal goals of Act 46 in a sustainable manner.³

Accordingly, the Board confirms the provisional decisions for these five districts made at its October 17, 2018 meeting and approves the Secretary’s proposals for them for the reasons stated at that meeting and as reflected in the Minutes.

² Note that the Board adopts the definitions used in the Secretary’s Proposed Statewide Plan.

³ Although, as the Board’s approval of the NEK Choice District’s creation states, merger of nonoperating districts can potentially ameliorate tax rate fluctuations caused by unexpected tuition increases by spreading the effects over a larger student population, the Board found that those characteristics were not present in the Secretary’s Proposals #16-#20.

The Craftsbury, Fairfax, Fletcher, Georgia, Hartland, Weathersfield, Stamford, and Waits River Valley Unified Union School Districts
(Secretary's Proposals #25, 28, 29, 32, and 33)

These proposals in the Secretary's Proposed Plan concern districts for which merger under the Statewide Plan is or might be possible, but for which it is not practicable. The Board agrees with the Secretary's analysis and recommendation for these eight districts, finding that there are no viable merger options for any of them in light of the statutory prohibition of making changes to a district's operating and/or tuitioning structure in the Board's Final Report of Decisions and Order.

Additionally, Stamford presents a unique set of circumstances, given its geographic position and historical ties to a neighboring community in the Commonwealth of Massachusetts. Stamford presented compelling evidence to the Board, which demonstrated a commitment to working towards the development of a more sustainable governance structure through the formation of an interstate school district with a neighboring school district in Massachusetts.

Accordingly, the Board confirms the provisional decisions for these districts made at its October 29 and November 15, 2018 meetings and approves the Secretary's proposals for them for the reasons stated at those meetings and as reflected in the Minutes.

The Arlington, Canaan, Coventry, Sharon, South Hero, Strafford, Thetford, Vernon, Windsor-West Windsor Unified Union, and Wolcott School Districts
(Secretary's Proposals #34-#43)

This group of proposals in the Proposed Plan comprises districts for which merger under the Statewide Plan is not possible, not practicable, or neither possible nor practicable. Each of these districts has an operating structure unlike the ones adjacent to them. The Board agrees with the Secretary's analysis and recommendation for these 10 districts, finding that there are no viable merger options for any of them in light of the statutory prohibition of making changes to a district's operating and/or tuitioning structure in the Board's Final Report of Decisions and Order.

Accordingly, the Board confirms the provisional decisions for these districts made at its October 17, 2018 meeting and approves the Secretary's proposals for them for the reasons stated at that meeting and as reflected in the Minutes.⁴

⁴ Pursuant to its authority in 16 V.S.A. § 261 and as an outgrowth of its Act 46 discussions, the State Board voted on November 15, 2018 to move the Arlington and Sandgate School Districts into the Southwest Vermont Supervisory Union, to be operational on July 1, 2021.

**The Bellows Falls Union High School District and the Rockingham School District; the Hazen Union High School District and the Stannard School District (7-12); the Mount Anthony Union High School District and the North Bennington Incorporated District; and the North Country Union High School and 5 of its 11 Member Elementary Districts
(Secretary's Proposals #11, 12, 14, and 15)**

This group of proposals in the Proposed Plan comprises 12 districts for which merger under the Proposed Plan is not possible. Each of these sets of districts includes a union high school district with one or more member elementary school districts that do not share a common operating/tuitioning structure with the other elementary school districts that also are members of the union high school district. The Board agrees with the Secretary's recommendation for these districts, finding that there are no viable merger options for any of them in light of the statutory prohibition of making changes to a district's operating and/or tuitioning structure in the Board's Final Report of Decisions and Order.

In this context, the Board adds two observations:

- The Secretary proposed not to merge any of the districts in the Bellows Falls and Hazen UHSDs. The Board voted to disagree with these two proposals not to merge, but then voted to merge the "like" elementary member districts – meaning that the Bellows Falls UHSD and Rockingham, and the Hazen UHSD and Stannard (7-12) are not merged, which is the same as the Secretary proposed.
- Conversely, the Secretary proposed to merge 6 of the 11 member elementary districts of the North Country UHSD and to leave the UHSD and the other 5 members as-is. The Board voted not to merge any of the member districts.

Accordingly, the Board confirms the provisional decisions for these districts made at its October 17 and 29, 2018 and November 15, 2018 meetings and approves the Secretary's proposals for them for the reasons stated at those meetings and as reflected in the Minutes.

Note: For each of these four union high school districts, the member elementary districts that share operating structures are discussed under other subheadings below.

Decisions Approving the Secretary's Proposals that Require Merger

The Board's decisions in this Section are made to "approve the [Secretary's] proposal either in its original form or in an amended form that adheres to the provisions of subsection (a)," pursuant to Act 46, Section 10(b).

Upon review of the proposals in the Secretary's June 1, 2018 Proposed Plan, the school boards' Sec. 9 proposals, testimony from the school boards at State Board meetings, and other input and supplemental information from the involved communities and their school district leadership, the State Board approves the Secretary's proposals to require:

- 20 school districts, located in 16 towns, to create five unified union school districts;
- four elementary school districts, located in four towns, to create one union elementary school district;

- five elementary school districts to become prekindergarten through grade 12 members of the modified unified union school districts (MUUSDs) of which they are members, *if* the voters of the MUUSDs approve full membership by the elementary school districts; and
- two town school districts to join an existing unified union school district that agreed in advance to include the additional members.

In connection with all of the districts under this section, the Board’s discussions frequently turned to consideration of the Act 46 presumption that a unified union school district is the preferred model for meeting the Act’s educational and fiscal goals in a sustainable manner, absent compelling evidence that an “alternative governance structure” (AGS) provides a better means of meeting the goals. (*See, e.g., Act 46, Sec. 8(b)(1)*)

The Brattleboro Union High School District, the Missisquoi Valley Union High School District, the Oxbow Union High School District, and the Union High School District No. 32, and each Union District’s Member Elementary School Districts (Secretary’s Proposals #1-#3, # 5)

This group of proposals in the Secretary’s Proposed Plan encompasses four existing union high school districts (UHSD). For each UHSD in this group, all member school districts operate elementary schools.

The Secretary’s Proposed Plan recommends that each group of separate PreK-6 or PreK-8 school districts merge with its respective UHSD to form a unified union school district. The Board agrees and makes the following final decisions.

The Brattleboro UHSD and the Brattleboro, Dummerston, Guilford, and Putney School Districts

The Board’s review of the Secretary’s Proposed Plan and of the other materials and testimony received yielded these findings and observations for these districts:

- The voters of each of these districts rejected a proposal for voluntary merger;
- The boards of the elementary districts submitted separate and seemingly (to the Board) conflicting Sec. 9 proposals (albeit somewhat informal versions of Sec. 9 proposals); and
- One of the four member districts of the UHSD (Dummerston) submitted a proposal for an Alternative Governance Structure (“AGS”) under Act 46.

For the reasons articulated in the Secretary’s Proposed Plan for these districts and as discussed at the Board’s October 17 and November 28, 2018 meetings leading to its provisional decision for them, the Board: (i) finds that the Secretary’s proposal satisfies and meets the requirements of Act 46, as amended, our Rules, and other applicable law, and (ii) approves the Secretary’s proposal for these districts.

Accordingly, the Board confirms the provisional decision for these districts made at its October 17 and November 28, 2018 meetings and approves the Secretary’s proposals for them for the reasons stated at that meeting and as reflected in the Minutes.

The Missisquoi Valley UHSD and the Franklin, Highgate, and Swanton School Districts

The issues for these districts are much the same as for the Brattleboro UHSD and its member districts. As with many of the districts the Board has considered, the small size of the districts causes difficulty in evaluating the achievement gap among and adequacy of supports for students.

Although the Sheldon School District jointly submitted a Sec. 9 proposal with these districts, its different operating/tuitioning structure makes it impossible for the State Board to include it in a unified union school district with these other districts. The Board ultimately concurred with the Secretary's Proposal in favor of a merger of these districts, leading to the further designation as a supervisory district, the Legislature's "preferred structure" (but without Sheldon).

For the reasons articulated in the Secretary's Proposed Plan for these districts and as discussed at the Board's October 17, 2018 meeting leading up to its provisional decision for them, the Board: (i) finds that the Secretary's proposal satisfies and meets the requirements of Act 46, as amended, our Rules, and other applicable law, and (ii) approves the Secretary's proposal for these districts.

Accordingly, the Board confirms the provisional decision for these districts made at its October 17, 2018 meeting and approves the Secretary's proposals for them for the reasons stated at that meeting and as reflected in the Minutes.

Oxbow UHSD and the Bradford and Newbury School Districts

The Board's review of the Secretary's Proposed Plan and of the other materials and testimony received yielded the observations that these districts and their supervisory union are not yet in compliance with legislatively mandated collaboration required by the Act 153 (2010) amendments to 16 V.S.A. § 261a, such as the centralized provision of special education services.

For this reasons, the reasons articulated in the Secretary's Proposed Plan for these districts and as discussed at the Board's October 17, 2018 meeting leading to its provisional decision for them and at other subsequent Board meetings, the Board: (i) finds that the Secretary's proposal satisfies and meets the requirements of Act 46, as amended, our Rules, and other applicable law, and (ii) approves the Secretary's proposal for these districts.

Accordingly, the Board confirms the provisional decision for these districts made at its October 17, 2018 meeting and approves the Secretary's proposals for them for the reasons stated at that meeting and as reflected in the Minutes.

The UHSD No. 32 and the Berlin, Calais, East Montpelier, Middlesex, and Worcester School Districts

The issues for these districts are much the same as for the other districts in this grouping. The small size of some of these districts causes difficulty in evaluating the achievement gap and supports for students. The union high school district is running well and that same model should work well for the elementary schools. While there is clearly a differential in debt, the Board does not find that it meets the threshold in the law of "greatly" differing levels of debt.

The Board notes that the Secretary’s Proposed Plan identified unequal opportunities among the schools, and that the Sec. 9 Proposal did not rebut this. In addition, creation of a unified union school district in this instance leads to its designation as a supervisory district, the Legislature’s “preferred structure.”

For these reasons, the reasons articulated in the Secretary’s Proposed Plan for these districts and as discussed at the Board’s October 17, 2018 meeting leading up to its provisional decision for them, the Board: (i) finds that the Secretary’s proposal satisfies and meets the requirements of Act 46, as amended, our Rules, and other applicable law, and (ii) approves the Secretary’s proposal for these districts.

Accordingly, the Board confirms the provisional decision for these districts made at its October 17, 2018 meeting and approves the Secretary’s proposals for them for the reasons stated at that meeting and as reflected in the Minutes.

The Barnard School District, the Cambridge School District, the Huntington School District, the Orwell School District, the Windham School District, and the Modified Unified Union School Districts of Which Each Town Elementary School District is a Member for Secondary Grades
(Secretary’s Proposals #6-10)

This group of proposals in the Secretary’s Proposed Plan comprises five town elementary school districts, all of which are member school districts for secondary grades in a Modified Unified Union School District (MUUSD).

The Secretary’s Proposed Plan recommends that each elementary school district be required to merge as a full prekindergarten through grade 12 member of its respective MUUSD, if the voters of the MUUSD approve full membership of the elementary school district. The Board agrees and makes the following final decisions.

The Barnard School District

The Secretary found that the best means of meeting the Act 46 Goals – for both the Barnard Elementary School District individually and for the region – is to merge the School District and the Windsor Central Modified Unified Union School District into a single UUSD by requesting the MUUSD to accept the Barnard District as a full PreK-12 member. The Board agrees, adding that it is impressed by Barnard’s commitment to and development of a strong PreK program and encourages the MUUSD to support that program and strongly consider it as a model for its other towns in the merged environment.

For these reasons, reasons articulated in the Secretary’s Proposed Plan for this district and as discussed at the Board’s October 17, 2018 meeting leading up to its provisional decision for it and at other subsequent Board meetings, the Board: (i) finds that the Secretary’s proposal satisfies and meets the requirements of Act 46, as amended, our Rules, and other applicable law, and (ii) approves the Secretary’s proposal for this district.

Accordingly, the Board confirms the provisional decision for this district made at its October 17, 2018 meeting and approves the Secretary's proposal for it for the reasons stated at that meeting and as reflected in the Minutes.

The Cambridge School District

The Secretary's Proposed Plan recommended merger of the Cambridge Elementary School District and the Lamoille North Modified Unified Union School District into a single unified union school district by requesting the MUUSD to accept the Cambridge District as a full PreK-12 member. The Secretary concluded that the addition of the Cambridge District as a full PreK-12 member of the unified district has the potential to benefit the students and taxpayers of Cambridge as well as the students and taxpayers in the other member towns. The Cambridge District did not assert that it is not "possible" or "practicable" to assume full PreK-12 membership in the unified district, and the Board is unaware of any facts that would support such an assertion. In addition, as pointed out in the Secretary's Proposal, at p. 73, "the unified district would be of a size sufficient to support the functions of an SU, thereby creating what the Legislature has determined to be a preferred structure."

For the reasons articulated in the Secretary's Proposed Plan for this district and as discussed at the Board's October 17, 2018 meeting leading up to its provisional decision for it, the Board: (i) finds that the Secretary's proposal satisfies and meets the requirements of Act 46, as amended, our Rules, and other applicable law, and (ii) approves the Secretary's proposal for this district.

Accordingly, the Board confirms the provisional decision for this district made at its October 17, 2018 meeting and approves the Secretary's proposal for it for the reasons stated at that meeting and as reflected in the Minutes.

The Huntington School District

The Mount Mansfield MUUSD assumed full responsibility, on July 1, 2015 for the PreK-12 education of students residing in Bolton, Jericho, Richmond, Underhill, and Buel's Gore, and for the grade 5-12 education of students residing in Huntington. The Huntington Elementary School District (HESD) remains an independent town district organized to provide for the PreK-4 education of its resident students.

The HESD did not submit a written Sec. 9 proposal, although its board members and others from Huntington urged the Secretary to not recommend merger based on concerns described in the Secretary's Proposal, at pp. 74-75. The Board agrees that the HESD and its community members did not make a compelling case sufficient to overcome the preferred governance structure presumption in Act 46 and did not assert that the merger is not "possible" or "practicable" to assume full PreK-12 membership in the unified district. In addition, if the MUUSD voters approve Huntington's admission as a full PreK-12 member, then it will be possible to designate the unified district as a supervisory district, the Legislature's "preferred structure."

For these reasons, the reasons articulated in the Secretary's Proposed Plan for this district and as discussed at the Board's October 17, 2018 meeting leading up to its provisional decision for it,

the Board: (i) finds that the Secretary’s proposal satisfies and meets the requirements of Act 46, as amended, our Rules, and other applicable law, and (ii) approves the Secretary’s proposal for this district.

Accordingly, the Board confirms the provisional decision for this district made at its October 17, 2018 meeting and approves the Secretary’s proposal for it for the reasons stated at that meeting and as reflected in the Minutes.

The Orwell School District

The Slate Valley MUUSD assumed full responsibility on July 1, 2018 for the PreK-12 education of students residing in the towns of Benson, Castleton, Fair Haven, Hubbardton, and West Haven, and for the grade 9-12 education of students residing in Orwell. The Orwell District remains an independent town district organized to provide for the PreK-8 education of its resident students.

The OESD did not submit a written Sec. 9 proposal, although some of its board members and others from Orwell urged the Secretary to not recommend merger based on concerns described in the Secretary’s Proposal, at pp. 79-81. The Board agrees that the OESD and its community members did not make a compelling case sufficient to overcome the preferred governance structure presumption in Act 46, and notes that the OESD Board itself was split on whether the merger is not “possible” or “practicable” to assume full PreK-12 membership in the unified district.

In addition, on November 6, 2018 the electorate of the Slate Valley MUUSD voted to accept the Orwell School District as a full prekindergarten through grade 12 member of the Slate Valley District if the State Board required merger in its final Report of Decisions and Order. Creation of a unified union school district in this instance leads to its designation as a supervisory district, the Legislature’s “preferred structure.”

For these reasons, the reasons articulated in the Secretary’s Proposed Plan for this district and as discussed at the Board’s October 17, 2018 meeting leading up to its provisional decision for it, the Board: (i) finds that the Secretary’s proposal satisfies and meets the requirements of Act 46, as amended, our Rules, and other applicable law, and (ii) approves the Secretary’s proposal for this district.

Accordingly, the Board confirms the provisional decision for this district made at its October 17, 2018 meeting and approves the Secretary’s proposal for it for the reasons stated at that meeting and as reflected in the Minutes.

The Windham School District

The West River MUUSD, located in the Windham Central SU, will take on full responsibility on July 1, 2019 for the PreK-12 education of students residing in the towns of Brookline, Jamaica, Newfane, and Townshend, and for the grade 7-12 education of students residing in Windham. The Windham District (WESD) remains an independent town district organized to provide for the PreK-6 education of its resident students.

The WESD Board and many community members opposed the Secretary's proposal for this district, as is reflected on pp. 84-88 of the Secretary's Proposed Plan. This Board agrees with the Secretary's findings and rationale, and with the Secretary's conclusion, that the WESD and its community members did not make a case sufficient to justify maintaining a supervisory union with more than the fewest number of school districts possible.

To quote from the Secretary's Proposed Plan at p. 85: "Community opposition does not make merger "impossible" or "impracticable," although it is important in any merged district for both the unified board and the townspeople to take the time to build trust, develop new habits for working together, and embrace and develop a shared and coherent vision." The Board also shares the Secretary's view here of how geographic isolation plays into this analysis.

For these reasons, the reasons articulated in the Secretary's Proposed Plan for this district and as discussed at the Board's October 17, 2018 meeting leading up to its provisional decision for it, the Board: (i) finds that the Secretary's proposal satisfies and meets the requirements of Act 46, as amended, our Rules, and other applicable law, and (ii) approves the Secretary's proposal for this district.

Accordingly, the Board confirms the provisional decision for this district made at its October 17, 2018 meeting and approves the Secretary's proposal for it for the reasons stated at that meeting and as reflected in the Minutes.

The Bennington, Pownal, Shaftsbury, and Woodford School Districts (Secretary's Proposal #14)

The Bennington, Pownal, Shaftsbury, and Woodford School Districts are four of the five member districts of the Mount Anthony Union High School District, each of which provides for the education of its resident elementary students by operating a school. The fifth member district, the North Bennington Incorporated District, provides for the education of its elementary students by paying tuition. As a result, it is impossible for the Mount Anthony UHSD and its member elementary districts to create a unified union school district, the preferred structure, unless the voters of one or more of the elementary districts voluntarily changed its own operating/tuitioning structure.

The issues for these districts are much the same as for the Brattleboro UHSD and its member districts and for many other of the districts the Board has considered, the small size of three of these districts causes difficulty in evaluating the achievement gap among and adequacy of supports for students.

The Board agrees with the Proposed Plan's recommendation that a merger of the Bennington, Pownal, Shaftsbury, and Woodford Elementary Districts into a union elementary school district is both "possible" and "practicable." To quote the Proposal (at p. 107), "[This] would simplify the existing structures by replacing four boards with one and facilitate resource sharing and elementary school choice among the districts' schools. A union elementary school district of these four towns would 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 six districts, and their respective boards, to three districts: one union high school district that operates a school

...; one four-town union elementary school district that operates multiple schools ...; and one PreK-6 district that pays tuition for its students.... “

For these reasons, the reasons articulated in the Secretary’s Proposed Plan for these districts and as discussed at the Board’s October 17, 2018 meeting leading up to its provisional decision for it, the Board: (i) finds that the Secretary’s proposal satisfies and meets the requirements of Act 46, as amended, our Rules, and other applicable law, and (ii) approves the Secretary’s proposal for this district.

Accordingly, the Board confirms the provisional decision for this district made at its October 17, 2018 meeting and approves the Secretary’s proposal for it for the reasons stated at that meeting and as reflected in the Minutes.

The Enosburgh School District and the Richford School District
(Secretary’s Proposal #27)

The Enosburgh School District and the Richford School District are each PreK-12, single-town districts that provide for the education of their respective students by operating schools that offer all grades. The districts are members of the Franklin Northeast SU. The two school boards, and the voters of the two districts, have opposed merger into a single unified PreK-12 district. In the most recent vote on merger, the Enosburgh voters approved merger by a margin exceeding 2-to-1 and the Richford voters defeated the proposal by nine votes.

The Board concurs with the Secretary’s conclusion that merger of the two districts into a single unified union school district is both “possible” and “practicable,” and the rejection of the argument that remaining as separate, single-town, PreK-12 operating districts is the “best” means of creating a sustainable structure capable of meeting the Act 46 Goals as “not convincing enough to overturn the Legislature’s presumption that a UUSD is the “preferred” means of doing so.” (Secretary’s Proposal at p. 156)

For these reasons, the reasons articulated in the Secretary’s Proposed Plan for the Enosburgh and Richford School Districts, and as discussed at the Board’s October 29, 2018 meeting leading up to its provisional decision for these districts, the Board (i) finds that the proposal satisfies and meets the requirements of Act 46, as amended, our Rules and other applicable law, and (ii) approves the Secretary’s proposal for those School Districts.

Accordingly, the Board confirms the provisional decision for this district made at its October 29, 2018 meeting and approves the Secretary’s proposal for it for the reasons stated at that meeting and as reflected in the Minutes.

The Montgomery School District
(Secretary’s Proposal #30)

The Montgomery School District provides for the education of its students by operating schools through grade 8 and paying tuition for grades 9-12. It is a member of the Franklin Northeast SU.

The Board has carefully considered the arguments and sentiments of the Montgomery School Board and members of the Montgomery community, both as reflected in the Secretary's Proposal (see pp. 166-173) and as submitted to the Board. The Board agrees, however, with the conclusion in the Secretary's Proposed Plan that the best means of meeting the Act 46 Goals for Montgomery and for the region – is to merge the governance structures of the Montgomery School District and the Franklin Northeast PK-8 Unified Union School District (now named the Northern Mountain Valley UUSD). In this regard, we note that the UUSD's voter-approved articles of agreement granted advance acceptance to Montgomery's membership.

For these reasons, the reasons articulated in the Secretary's Proposed Plan for the Montgomery School District, and as discussed at the Board's October 29, 2018 meeting leading up to its provisional decision for this district, the Board (i) finds that the proposal satisfies and meets the requirements of Act 46, as amended, our Rules and other applicable law, and (ii) approves the Secretary's proposal for that School District.

Accordingly, the Board confirms the provisional decision for this district made at its October 29, 2018 meeting and approves the Secretary's proposal for it for the reasons stated at that meeting and as reflected in the Minutes.

The Sheldon School District (Secretary's Proposal #31)

The Sheldon School District is a single-town PreK-12 district that provides for the education of its students by operating a school through grade 8 and paying tuition for grades 9-12. It is a member of the Franklin Northwest SU.

As in each of this group of merger decisions, the Board has thoroughly considered the concerns and proposals of the Sheldon School Board and members of the Sheldon community, both as reflected in the Secretary's Proposed Plan (see pp. 174-178) and as submitted to the Board. The Board reaches the same conclusion as the Secretary in the Proposed Plan, however, that the best means of meeting the Act 46 Goals – for this district individually and for the region – is to merge the governance structures of the Sheldon School District and the Franklin Northeast PK-8 Unified Union School District (now named the Northern Mountain Valley UUSD), noting that the UUSD's voter-approved articles of agreement granted advance acceptance to Sheldon's membership if the State Board required merger. We also note that with Sheldon moving to the Franklin Northeast SU then the Franklin Northwest SU is able to become a preferred structure which creates a more sustainable structure there as well.

For these reasons, the reasons articulated in the Secretary's Proposed Plan for the Sheldon School District, and as discussed at the Board's October 29, 2018 meeting leading up to its provisional decision for this district, the Board (i) finds that the proposal satisfies and meets the requirements of Act 46, as amended, our Rules and other applicable law, and (ii) approves the Secretary's proposal for that School District.

Accordingly, the Board confirms the provisional decision for this district made at its October 29, 2018 meeting and approves the Secretary's proposal for it for the reasons stated at that meeting and as reflected in the Minutes.

Decisions to Not Require Merger – Notwithstanding the Secretary’s Proposals

Upon review of the proposals in the Secretary’s Proposed Plan, the school boards’ Sec. 9 proposals, testimony from the school boards at State Board meetings, and other input and supplemental information from the involved communities and their school district leadership, the State Board does not approve the Secretary’s proposals to require the nine districts located in three SUs in this Subsection (B) to create new unified districts.

The Brighton, Charleston, Derby, Holland, Jay, and Westfield School Districts (Secretary’s Proposal #15)

The North Country SU consists of the North Country Union High School District (“NCUHSD”), its 11 member districts, and the single-town PreK-12 district of Coventry. The unorganized town of Ferdinand is assigned to the SU for administrative and other services for the years in which school-aged children reside there.

The Board carefully sorted through the analysis for these districts in the Secretary’s Proposed Plan, but comes to a different conclusion than the Secretary. The Board finds that the proposed merger is not practicable because at this time there are significant obstacles to achieving the goals of Act 46, as amended, obstacles as outlined in the Secretary’s report, as described by the affected communities, and as articulated by the Board in its discussions. In short, Act 46 does not address the complexity in the North Country - specifically the challenges with realizing any meaningful economies of scale, owing to the relatively small population density within the region.

For these reasons and as discussed at the Board’s October 17 and 29, 2018 meeting leading up to its provisional decision for these districts, the Board (i) disapproves the proposal in the Secretary’s Proposed Plan to merge three pairs of districts in the North Country SU and (ii) finds that neither the Secretary’s proposal nor the districts’ Sec. 9 Proposal satisfies or meets the requirements of Act 46, as amended, our Rules and other applicable law.

Accordingly, the Board confirms the provisional decision for this district made at its October 17 and 29, 2018 meetings and disapproves the Secretary’s proposal for it for the reasons stated at those meeting and as reflected in the Minutes.

The Board’s decision here should not be viewed as an endorsement of the status quo in the North Country SU. The Board does not view the North Country SU situation as acceptable, desirable or as meeting the goals of Act 46. The Board concluded, however, that the tools available to the Board in Act 46 unfortunately do not help to ameliorate the current issues in the North Country SU.

The Blue Mountain Union School District (Towns of Groton, Ryegate, and Wells River) (Secretary’s Proposal #21)

The Blue Mountain Union School District (USD) encompasses three towns – Groton, Ryegate, and Wells River – and provides for the PreK-12 education of its students in a school with those grades. The district previously operated as a supervisory district, its own single-district SU, but

was too small to be exempt from the Board’s final statewide plan as a preferred structure with a minimum ADM of 900 students. At its May 2018 meeting, the Board adjusted SU boundaries pursuant to 16 V.S.A. § 261, making the Blue Mountain USD a member district of the Orange East SU.

The Secretary’s proposal recommended merger of the governance structures of the Blue Mountain USD, Bradford SD, Newbury SD and Oxbow UHSD into a single unified union school district to achieve the goals of Act 46. The Board, however, after carefully considering all facts and factors – particularly its recent decision to move the Blue Mountain USD into the Orange East SU, comes to the opposite conclusion. The Board is concerned about the capacity of the Orange East SU to work through anything more than the SU expansion and merger of the Oxbow UHSD and its member districts as required in this Report and Order. The Board notes that that the districts in this SU already struggle to work together. There are good reasons to doubt the practicability of requiring Blue Mountain to also merge into a USD with the Oxbow districts, which would essentially be a double merger.

For these reasons and as discussed at the Board’s October 17 and November 15, 2018 meetings leading up to its provisional decision for this district, the Board (i) disapproves the Secretary’s Proposed Plan for the Blue Mountain Union School District and (ii) finds that the proposal does not satisfy or meet the requirements of Act 46, as amended, our Rules and other applicable law.

Accordingly, the Board confirms the provisional decisions for this district made at its October 17 and November 15, 2018 meetings and disapproves the Secretary’s proposal for it for the reasons stated at those meetings and as reflected in the Minutes.

The Cabot and Danville School Districts (Secretary’s Proposals #22-23)

The Cabot School District and the Twinfield Union School District are the sole members of the Washington Northeast Supervisory Union (WNESU). The two districts had a combined kindergarten through grade 12 average daily membership of 457 in fiscal year 2018, making the WNESU one of the smallest SUs in the State. The Cabot and Twinfield School Districts and the nearby Danville School District in the Caledonia Central SU (CCSU) are each organized to provide for the education of resident students in kindergarten through grade 12 by operating schools that offer those grades. In 2017, the State Board approved the three districts’ proposal to create a single unified union school district, which would have been a member district of the CCSU. The voters of the Cabot and Danville School Districts did not approve the proposal and the new district was not formed.

The Secretary’s Proposed Plan discussed the lack of educational opportunities in the Cabot School District, the voters’ refusal to approve a fiscal year 2019 budget that would have allowed the district to take “modest steps forward,” and the district’s financial unsustainability. The Plan noted that although a Cabot-Danville unified school district would still be small (437 in fiscal year 2018 numbers), “the additional scale and flexibility would enhance the district’s sustainability.” (Proposal, at p. 141) The Secretary found that the “arguments that retaining their current structures are the ‘best’ means of creating a sustainable structures capable of

meeting the Act 46 Goals are not strong enough, individually or jointly, to overturn the Legislature’s presumption that a larger, unified structure is the ‘preferred’ means of doing so.” (*Id.*) Accordingly, the Secretary proposed merging the Cabot and Danville School Districts into a unified union school district.

The Board disagrees with the Secretary on this proposal. The Board found a number of factors, when combined, to be compelling. The factors include:

- In order to pass its FY19 budget, the Cabot School District had to cut a number of extracurricular offerings.
- The Cabot school building requires substantial capital improvements.
- Act 46 was designed to help make schools more sustainable.
- Cabot students, particularly those in the high school grades, are not receiving the same opportunities typically offered to students in Vermont schools.
- Danville is not willing to merge with Cabot unless grades 9-12 were closed in the Cabot school building.
- This appears to be a merger that would disadvantage both districts.
- The issue is whether it is practicable to require merger at this time. The Board believes the benefit of more time would increase the likelihood that a merged Cabot-Danville district could meet the goals of the Act.
- It may be more prudent to put Cabot and Danville into the same SU and allow time for them to work on a merger.

The proposed merger is not practicable because at this time there are significant obstacles to achieving the goals of Act 46, as amended, obstacles as outlined in the Secretary’s report, as described by the affected communities, and as articulated by the Board in its discussions.

For these reasons, the reasons articulated in the Secretary’s Proposed Plan for these districts and as discussed at the Board’s October 29, 2018 meeting leading up to its provisional decision and at subsequent meetings, the State Board: finds (i) that neither the Secretary’s proposal to merge the Cabot and Danville School Districts into a unified union school district nor the districts’ Sec. 9 Proposals satisfies or meets the requirements of Act 46, as amended, our Rules and other applicable law and (2) that the goals of Act 46 are best met at this time by moving the Cabot School District into the CCSU, but allowing it to retain its current governance structure.

Accordingly, the Board confirms the provisional decision for this district made at its October 29, 2018 meeting and at other Board meetings as reflected in the Minutes.

The Board’s decision here should not be viewed as an endorsement of the status quo in Cabot. The Board does not view the Cabot situation as acceptable, desirable or as meeting the goals of Act 46. The Board concluded, however, that the tools available to the Board in Act 46 unfortunately do not help to ameliorate current issues in the Cabot School District.

Decisions to Require Merger – Notwithstanding the Secretary’s Proposals

Upon review of the proposals in the Secretary’s June 1, 2018 Proposed Plan, the school boards’ Sec. 9 proposals, testimony from the school boards at State Board meetings, and other input and

supplemental information from the involved communities and their school district leadership, the State Board does not approve the Secretary's proposals for three groups of districts to maintain the status quo and instead votes to require creation of two union elementary school districts and one unified union school district as described below.

**The Athens, Grafton, and Westminster School Districts
(Secretary's Proposal #11)**

The Bellows Falls Union High School District has four member districts, each of which is organized to provide for the prekindergarten through grade 8 education of its resident students. One of the member districts, Rockingham, is organized PK-8 and the UHSD is organized 9-12. The remaining three member districts, the Athens, Grafton, and Westminster School Districts, operate schools through grade 6 and pay tuition for students in grades 7-8. Although Athens and Grafton retain their discrete governance structures, they have entered into a contract to operate a school jointly, which is governed by an additional, joint, school board. The combined kindergarten through grade 8 average daily membership for the Athens, Grafton, and Westminster School Districts was 333 in fiscal year 2018. Of that number, Athens and Grafton educated a total of 73 kindergarten through grade 6 students in their jointly operated school and paid tuition for 13 and 15 students in grades 7-8, respectively.

The Secretary's Proposed Plan determined that merger of the three "like" districts into a union elementary district was both "possible" and "practicable," stating that the merger would "simplify the existing structures by replacing four boards with one, and facilitate resource sharing and elementary school choice among the three schools. Given the small size of Athens and Grafton, combining the ADMs of the Athens, Grafton, and Westminster Elementary Districts would likely provide some relief from tax rate fluctuations for Athens and Grafton but have little impact on Westminster." (Proposal atp. 95)

Nevertheless, the Proposed Plan concluded that merger was not practicable at the time the Plan was issued because the Athens and Grafton School Districts had indicated they were exploring merger, noting that the State Board might have additional information when it issues its final statewide plan. The Board, however, has been unable to find evidence of work toward that potential goal since the Proposed Plan was issued on June 1. The Board notes that the goals identified by these districts will best be met in a sustainable manner if there becomes one board. The Board also believes that as stand-alone districts these districts are so small that federal student privacy laws prevent sharing of student performance data, making it nearly impossible for anyone to get a true sense of what is going on with performance.

For these reasons, the reasons articulated in the Secretary's Proposed Plan, and as discussed at the Board's October 17 and 29, 2018 meetings leading up to its provisional decisions for them and at other subsequent Board meetings, the Board finds: (i) that the Secretary's proposal does not satisfy the requirements of Act 46, as amended, our Rules, and other applicable law and (ii) that creation of a union elementary school district satisfies and meets the requirements of Act 46, as amended, our Rules, and other applicable law.

Accordingly, the Board confirms the provisional decision for these districts made at its October 29, 2018 meeting for the reasons stated at that meeting and as reflected in the Minutes.

The Greensboro, Hardwick, Lakeview Union, Stannard (except as to 7-12), and Woodbury School Districts
(Secretary's Proposal #12)

The Orleans Southwest Supervisory Union (OSSU) includes two existing union school districts: the Hazen Union High School District and the Lakeview Union Elementary School District. The Hardwick and Woodbury School Districts, both of which operate elementary schools, are members of Hazen Union for grades 7-12. The third member of Hazen Union for grades 7-12, Greensboro, is also a member of the Lakeview Union Elementary School District, for kindergarten through grade 6. In addition, Greensboro operates as a single-town school district with a separate elected board solely for the purpose of paying tuition for prekindergarten students. Stannard, the other member of Lakeview Union for kindergarten through grade 6, pays tuition for its students in prekindergarten and grades 7-12.⁵

The Secretary's Proposed Plan observed that with "one exception, the two union school districts and their member districts are intertwined in a manner that precludes merger of any district in the Orleans Southwest with another OSSU district unless the voters in at least one district vote to change the district's operating/tuitioning structure." (see p. 98) The Plan concluded that "[a]lthough it would be structurally possible for the State Board to require the Hardwick and Woodbury Schools Districts to merge to create a union elementary school district, it is not clear whether there is sufficient educational or fiscal benefit to do so while the other, intertwined relationships continue to exist." (pp. 98-99)

Subsequent to issuance of the Proposed Plan, the Secretary determined that it is structurally and legally possible to create a union elementary school district organized to provide for the prekindergarten through grade 6 education of students residing in Greensboro, Hardwick, Stannard, and Woodbury. The merger is in fact practicable because the obstacles and concerns described by the Secretary are not significant impediments to a merger and merger would achieve the goals of Act 46, as amended.

For these reasons, the analysis in the Secretary's Proposed Plan for these districts and as discussed at the Board's October 17 and November 15, 2018 meetings leading up to its provisional decision for them, the Board finds that creation of a union elementary school district satisfies and meets the requirements of Act 46, as amended, our Rules, and other applicable law.

⁵ Since current law requires an elementary school district to provide for PK, the Greensboro stand-alone PK district should not exist, and the Stannard District should not be providing for PK. This is more than a technical point, as it illustrates why the law authorizes the Board to merge just a portion of the Stannard District here when it might not be permissible in other districts.

Accordingly, the Board confirms the provisional decision for these districts made at its October 29 and November 15, 2018 meetings for the reasons stated at that meeting and as reflected in the Minutes.

The Elmore-Morristown Unified Union School District and the Stowe School District
(Secretary's Proposal #26)

The Lamoille South SU comprises two districts, both of which provide for the education of resident students by operating schools for all grades. The districts' combined kindergarten through grade 12 average daily membership was 1,481 in fiscal year 2018, with both districts of roughly equal size. The Stowe School District is a single-town district. The voters of Elmore and Morristown created the Elmore-Morristown Unified Union School District (EMUU) in 2015. Because the EMUU was ineligible for any of the voluntary merger programs, it did not receive tax rate reductions and other transitional assistance and is not exempt from State Board-required merger.

The Secretary's Proposed Plan acknowledged that a merger of the EMMUU and Stowe Districts was both "possible" and "practical" and would result in a unified district that is sufficiently large to be its own supervisory district, the legislatively-designated "preferred structure." Nevertheless, the Proposed Plan concluded that merger is not practicable at this time, citing the "entirely unique situation" presented by the EMUU Board's request for additional time to adjust to the governance changes arising from its voluntary creation before the EMUU "considers assuming the additional challenge of further merger." (Proposal at p. 148) The Secretary also noted that there is no other district in the region with which it would be practical for the Stowe School District to merge. The Proposed Plan states:

The Secretary trusts that the EMUU and Stowe communities' concern for the well-being of all their children will impel them eventually to continue to seek opportunities to work collaboratively to improve educational opportunities and equity for all students in the region and hopes that they will eventually embrace the opportunities of a unified structure. (Proposal at, p. 149)

The State Board agrees with the Proposed Plan's analysis that the merger of EMUU and Stowe is both possible and practicable, but we disagree with the Plan's conclusion against merger. EMUU is in its third year of operation. At the time of merger, the Elmore School District operated only one school, which provided for the education of approximately 20 students in grades 1-3. The Secretary's conclusion and proposal are not consistent with proposals the Plan makes in connection with other, similarly-structured districts. Creation of a unified union school district in Elmore, Morristown, and Stowe is in fact practicable because the obstacles and concerns described by the Secretary and by the affected communities are not significant impediments to a merger; merger would achieve the goals of Act 46, as amended. In addition, creation of a unified union school district in this instance leads to its designation as a supervisory district, the Legislature's "preferred structure."

For these reasons, the analysis in the Secretary's Proposed Plan's proposal for these districts and as discussed at the Board's October 29 and November 15 and 28, 2018 meetings regarding its provisional decision for the districts, the Board finds: (i) that the Secretary's proposal does not satisfy the requirements of Act 46, as amended, our Rules, and other applicable law and (ii) that creation of a unified union school district satisfies and meets the requirements of Act 46, as amended, our Rules, and other applicable law.

Accordingly, the Board confirms the provisional decision for these districts made at its October 29 and November 15 and 28, 2018 meetings for the reasons stated at that meeting and as reflected in the Minutes.

Decisions regarding Districts for which the Secretary Made No Proposal

Upon review of the proposals in the Secretary's Proposed Plan, the school boards' Sec. 9 proposals, testimony from the school boards at State Board meetings, and other input and supplemental information from the involved communities and their school district leadership, the State Board addresses three groups of districts for which the Secretary made no proposal and in this Final Report of Decisions and Order requires:

- Three school districts, located in two towns, to create one unified union school district;
- Six elementary-middle school districts, located in six towns, to create one union elementary school district; and
- One school district, located in two towns, to move into a different supervisory union, which together with another related order results in the dissolution of one supervisory union.

The Spaulding Union High School District and its Two Member Elementary School Districts *(Secretary's Proposal #4)*

The Spaulding Union High School has two member school districts, the Barre City School District and the Barre Town School District. The two member districts are of roughly equal size and provide for the education of resident students through grade 8 by operating schools for those grades. The Barre Supervisory Union is relatively large by Vermont standards, with a total kindergarten through grade 12 average daily membership of 2,130 in fiscal year 2018.

In 2016, the State Board approved the districts' proposal to create a unified union school district. The voters of the Barre Town School District did not approve the proposal both at the initial vote and on reconsideration and no district was formed. At the time the Secretary issued the Proposed Plan on June 1, 2018, the districts were again exploring the possibility of voluntary merger. The Proposal stated:

"in light of this development and out of respect for the Legislature's decision to provide the districts with this opportunity to merge voluntarily and obtain tax rate reductions, the Secretary makes no recommendation ... at this time so that the Agency does not insert itself into community discussions and potential votes of the electorate." (Proposal at p. 50)

In August 2018, the State Board approved the districts' second proposal to create a unified union school district, finding that it was the best means of meeting the goals of Act 46 in a sustainable manner. The voters of the Barre Town School District rejected the voluntary merger proposal on November 6, 2018.

At its November 15, 2018 meeting, the Board heard from school board members representing Barre Town and Barre City. The Board, in its subsequent discussion, found that the supervisory union's budget, not inclusive of the distinct districts' budgets, is \$14 million. The two elementary district budgets are about \$10 million each. The Board noted that the electorate does not directly vote on the SU budget in the current governance structure, raising concerns around transparency. The Board also discussed the advantages to the students of the Barre SU if the schools worked toward a common PreK-12 educational vision. The Board also notes that creation of a unified union school district in this instance leads to its designation as a supervisory district, the Legislature's "preferred structure."

For these reasons, the reasons discussed at the Board's meetings approving the two voluntary merger proposals, and based on the discussion at the Board's November 15, 2018 meeting leading up to its provisional decision for these districts, the Board finds that creation of a unified union school district satisfies and meets the requirements of Act 46, as amended, our Rules, and other applicable law.

Accordingly, the Board confirms the provisional decision for these districts made at its November 15, 2018 meeting for the reasons stated at that meeting and as reflected in the Minutes.

The Board notes that the voters of the Barre Town School District have filed a petition for reconsideration of the Town's November 6, 2018 'no' vote, which reconsideration vote will occur after the issuance of this Final Report of Decisions and Order. Act 46 directs the State Board to issue its order based on the governance structures of districts "as they will exist, or are anticipated to exist, on July 1, 2019." In light of three negative merger votes by the voters of the Barre Town School District, it is not unreasonable for the State Board to anticipate that the districts will not have formed a unified union school district as of July 1, 2019 and the districts are thus subject to consideration in the Board's final statewide plan and order issued pursuant to Act 46, Sec. 10. The Board recognizes, however, that because the Barre City School District voters approved the proposed merger plan on November 6, 2018, if the Barre Town School District voters should do an 'about face' and approve the proposed merger plan on reconsideration, then the voter-approved Articles of Agreement will replace the incorporated Default Articles of Agreement.

**The Albany, Barton Incorporated, Brownington, Glover, Irasburg, and Orleans
Incorporated School Districts**
(Secretary's Proposal #13)

The Lake Region Union High School District has seven member school districts. One of these districts, the Westmore School District, provides for the education of its resident elementary and

middle school students by paying tuition. Each of the six remaining member districts operates a school or schools.

In 2016, the State Board approved a proposal from all of these districts to create a unified union school district. The voters did not approve the proposal and no district was formed. At the time the Secretary issued the Proposed Plan on June 1, 2018, the districts were again exploring the possibility of voluntary merger. The proposal stated:

in light of this development and out of respect for the Legislature’s decision to provide the districts with this opportunity to merge voluntarily and obtain tax rate reductions, the Secretary makes no recommendation ... at this time so that the Agency does not insert itself into community discussions and potential votes of the electorate. (Proposal at p. 101)

In June 2018, the State Board approved the districts’ second proposal to create a unified union school district, finding that it was the best means of meeting the goals of Act 46 in a sustainable manner. The voters in all but one school district rejected the voluntary merger proposal on November 6, 2018.

Although some of these small school districts have found ways to work together collaboratively, the districts’ comprehensive equity audit reveals that there is significant disparity in opportunities among the schools. In addition, the districts’ representatives testified that there is relatively high staff turnover due to an inability to offer full time employment and benefits and that the districts struggle to find people to serve on school boards.

Although the State Board cannot require the union high school and its seven member districts to form a unified union school district (because of the Westmore School District’s “un-like” structure), the Board has the authority to merge the Albany, Barton Incorporated, Brownington, Glover, Irasburg, and Orleans Incorporated School Districts into a union elementary-middle school district. 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 its resident students.

For these reasons, the reasons discussed at the Board’s meetings approving the two merger proposals and at the Board’s November 15, 2018 meeting leading up to its provisional decision for these districts, the Board finds that creation of a union elementary-middle school district satisfies and meets the requirements of Act 46, as amended, our Rules, and other applicable law.

Accordingly, the Board confirms the provisional decision for these districts made at its November 15, 2018 meeting for the reasons stated at that meeting and as reflected in the Minutes.

The Twinfield Union School District (Secretary's Proposal #24)

The Twinfield Union School District and the Cabot School District are the sole members of the Washington Northeast SU (WNESU). The two districts had a combined kindergarten through grade 12 average daily membership of 457 in fiscal year 2018, making the WNESU one of the smallest SUs in the State. The Twinfield and Cabot School Districts and the nearby Danville School District in the Caledonia Central SU (CCSU) are each organized to provide for the education of resident students in kindergarten through grade 12 by operating schools that offer those grades. In 2017, the State Board approved the three districts' proposal to create a single unified union school district, which would have been a member district of the CCSU. The voters of the Cabot and Danville School Districts did not approve the proposal and the new district was not formed.

The Secretary proposed that the Twinfield Union School District be merged "with one or more other districts and/or move[d] to a larger SU when uncertainties in the region are resolved and the State Board has sufficient information to make a decision." (Proposal at p. 142) Among the "uncertainties" was the then-pending vote of the Barre City and Barre Town School Districts, discussed above. The Secretary, however, did not propose specific partners with which the Twinfield Union School District should merge.

16 V.S.A. § 261 authorizes the State Board to "regroup the supervisory unions of the State ... in such manner as to afford increased efficiency or greater convenience and economy and to facilitate prekindergarten through grade 12 curriculum planning and coordination as changed conditions may seem to require." Dissolution of the WNESU would result in "increased efficiency," including the elimination of a supervisory union, its superintendent, and related overhead, and would also provide opportunities for "greater convenience," for similar reasons.

For these reasons, the reasons articulated in the Secretary's Proposed Plan for this district and as discussed at the Board's October 29, 2018 meeting leading up to its provisional decision and at subsequent Board meetings, the State Board: (i) finds that the goals of Act 46 are best met at this time by moving the Twinfield Union School District into the Caledonia Central Supervisory Union.

Accordingly, the Board confirms the provisional decision for this district made at its October 29, 2018 meeting and at other Board meetings and approves the Secretary's proposal for it for the reasons stated at that meeting and as reflected in the Minutes.

Conclusions

Final Decisions and Summary of Districts Created and Dissolved

At its meeting on November 28, 2018, the Board confirmed and finalized the provisional decisions made at prior meetings.

Based on these decisions, the State Board has merged 42 districts located in 36 towns to form 11 new union school districts (seven unified union school districts and four union elementary

districts) and has enlarged an existing union school district by two new members. In addition, the State Board has merged one elementary school district into an existing modified unified union school district, transforming it into a UUSD, and has conditionally required an additional four such transitions.

The Board's final decisions have also resulted in 47 districts retaining their current governance structure.

In all, the Board's decisions have resulted in a net reduction of 34 school districts, with the potential to dissolve an additional four.

When the Board's required mergers are added to the union school districts formed voluntarily since the Legislature enacted Act 153 in 2010, a total of 206 districts in 185 towns have formed 50 new union school districts (unified union, modified unified union, and union elementary) – for a net reduction of 156 school districts.

A total of 78,733 kindergarten – grade 12 Vermont students were reported for the 2017-2018 school year. On July 1, 2019, using fiscal year numbers, 63.5% of all students will reside in a unified union or union elementary school district that became operational subsequent to Act 46 and 84.4% will reside either in a new union school district or a pre-existing supervisory district (e.g., Burlington, Springfield).

Early reports demonstrate that many of Act 46's goals are becoming reality: enhanced educational opportunities for students, increased stability for school staff, intra-district school choice, collaboration in school governance, and more efficient utilization of tax-payer resources.⁶

Due to structural variations and geographic anomalies, some existing school districts cannot merge to form a unified governance structure unless they or their neighbors choose to change their current operating and tuitioning structures. Only the voters have the power to make those decisions, however. Such changes are outside the authority granted to the State Board in Act 46.

Next Steps

The Board notes that the ultimate authority to determine the school district merger outcomes belongs to the General Assembly. The Board looks forward to working with the Legislature and offers the following points to consider:

- Some districts may seek additional resources to facilitate merger by July 1, 2019.
- Short-term “differing levels of indebtedness,” bonded indebtedness, deferred maintenance, and impacts on tax rates may deserve further examination.
- The progress and success of mergers and other governance changes, and their relationship to enhancing educational opportunities and equity should be monitored and evaluated.

⁶ See the [Agency's January 2018 annual report to the Legislature](#), pages 7-10, for examples.

- Operational timelines may be an appropriate area for study and evaluation.

State Board of Education’s “order merging and realigning districts and supervisory unions where necessary,” pursuant to Act 46, Sec. 10(b)

Pursuant to the authority and mandates in 2015 Acts and Resolves No. 46, Sec. 8 and Sec. 10, as amended, and the provisions of 16 V.S.A. ch. 11, be it resolved that as of the date of this Order, the State Board of Education hereby:

[New Unified Union (i.e., PK-12) School Districts]

- 1) *Designates* the Brattleboro School District, the Dummerston School District, the Guilford School District, the Putney School District, and the Brattleboro Union High School District as the **Windham Southeast Unified Union School District**, which unified union school district:
 - a) Shall provide for the prekindergarten through grade 12 education of students residing in the towns of **Brattleboro, Dummerston, Guilford, and Putney** under the terms and conditions specified in the incorporated Default Articles of Agreement for the Windham Southeast Unified Union School District;
 - b) Is assigned to the **Windham Southeast Supervisory Union** pursuant to 16 V.S.A. § 706h; and
 - c) Shall supplant the Brattleboro School District, the Dummerston School District, the Guilford School District, the Putney School District, and the Brattleboro Union High School District pursuant to 16 V.S.A. ch. 11 and the terms of the incorporated Default Articles of Agreement.

- 2) *Designates* the Franklin School District, the Highgate School District, the Swanton School District, and the Missisquoi Union High School District as the **Franklin Northwest Unified Union School District**, which unified union school district:
 - a) Shall provide for the prekindergarten through grade 12 education of students residing in the towns of **Franklin, Highgate, and Swanton** under the terms and conditions specified in the incorporated Default Articles of Agreement for the Franklin Northwest Unified Union School District;
 - b) Is assigned to the **Franklin Northwest Supervisory Union** pursuant to 16 V.S.A. § 706h until the new unified union school district is fully operational on July 1, 2019;
 - c) Is designated as a supervisory district pursuant to 16 V.S.A. § 261(c), effective July 1, 2019; and
 - d) Shall supplant the Franklin School District, the Highgate School District, the Swanton School District, and the Missisquoi Union High School District pursuant to 16 V.S.A. ch. 11 and the terms of the incorporated Default Articles of Agreement.

- 3) *Designates* the Bradford Incorporated District, the Newbury School District, and the Oxbow Union High School District as the **Oxbow Unified Union School District**, which unified union school district:
- a) Shall provide for the prekindergarten through grade 12 education of students residing in the towns of **Bradford and Newbury** under the terms and conditions specified in the incorporated Default Articles of Agreement for the Oxbow Unified Union School District;
 - b) Is assigned to the **Orange East Supervisory Union** pursuant to 16 V.S.A. § 706h; and
 - c) Shall supplant the Bradford Incorporated District, the Newbury School District, and the Oxbow Union High School District pursuant to 16 V.S.A. ch. 11 and the terms of the incorporated Default Articles of Agreement.
- 4) *Designates* the Barre City School District, the Barre Town School District, and the Spaulding Union High School District as the **Barre Unified Union School District**, which unified union school district:
- a) Shall provide for the prekindergarten through grade 12 education of students residing in the towns of **Barre City and Barre Town** under the terms and conditions specified in the incorporated Default Articles of Agreement for the Barre Unified Union School District;
 - b) Is assigned to the **Barre Supervisory Union** pursuant to 16 V.S.A. § 706h until the new unified union school district is fully operational on July 1, 2019;
 - c) Is designated as a supervisory district pursuant to 16 V.S.A. § 261(c), effective July 1, 2019.; and
 - d) Shall supplant the Barre City School District, the Barre Town School District, and the Spaulding Union High School District pursuant to 16 V.S.A. ch. 11 and the terms of the incorporated Default Articles of Agreement.
- 5) *Designates* the Berlin School District, the Calais School District, the East Montpelier School District, the Middlesex School District, the Worcester School District, and the Union High School District No. 32 as the **Washington Central Unified Union School District**, which unified union school district:
- a) Shall provide for the prekindergarten through grade 12 education of students residing in the towns of **Berlin, Calais, East Montpelier, Middlesex, and Worcester** under the terms and conditions specified in the incorporated Default Articles of Agreement for the Washington Central Unified Union School District;
 - b) Is assigned to the **Washington Central Supervisory Union** pursuant to 16 V.S.A. § 706h until the new unified union school district is fully operational on July 1, 2019;
 - c) Is designated as a supervisory district pursuant to 16 V.S.A. § 261(c), effective July 1, 2019; and
 - d) Shall supplant the Berlin School District, the Calais School District, the East Montpelier School District, the Middlesex School District, the Worcester School

District, and the Union High School District No. 32 pursuant to 16 V.S.A. ch.11 and the terms of the incorporated Default Articles of Agreement.

- 6) *Designates* the Elmore-Morristown Unified Union School District and the Stowe School District as the **Lamoille South Unified Union School District**, which unified union school district:
 - a) Shall provide for the prekindergarten through grade 12 education of students residing in the towns of **Elmore, Morristown, and Stowe** under the terms and conditions specified in the incorporated Default Articles of Agreement for the Lamoille South Unified Union School District;
 - b) Is assigned to the **Lamoille South Supervisory Union** pursuant to 16 V.S.A. § 706h until the new unified union school district is fully operational on July 1, 2019;
 - c) Is designated as a supervisory district pursuant to 16 V.S.A. § 261(c), effective July 1, 2019; and
 - d) Shall supplant the Elmore-Morristown Unified Union School District and the Stowe School District pursuant to 16 V.S.A. ch. 11 and the terms of the incorporated Default Articles of Agreement.

- 7) *Designates* the Enosburgh School District and the Richford School District as the **Enosburgh-Richford Unified Union School District**, which unified union school district:
 - a) Shall provide for the prekindergarten through grade 12 education of students residing in the towns of **Enosburgh and Richford** under the terms and conditions specified in the incorporated Default Articles of Agreement for the Enosburgh-Richford Unified Union School District;
 - b) Is assigned to the **Franklin Northeast Supervisory Union** pursuant to 16 V.S.A. § 706h; and
 - c) Shall supplant the Enosburgh School District and the Richford School District pursuant to 16 V.S.A. ch. 11 and the terms of the incorporated Default Articles of Agreement.

[New Union Elementary School Districts]

- 8) *Designates* the Athens School District, the Grafton School District, and the Westminster School District as the **Windham Northeast Union Elementary School District**, which union elementary school district:
 - a) Shall provide for the prekindergarten through **grade 8** education of students residing in the towns of **Athens, Grafton, and Westminster** under the terms and conditions specified in the incorporated Default Articles of Agreement for the Windham Northeast Union Elementary School District;
 - b) Is assigned to the **Windham Northeast Supervisory Union** pursuant to 16 V.S.A. § 706h; and

- c) Shall supplant the Athens School District, the Grafton School District, and the Westminster School District pursuant to 16 V.S.A. ch. 11 and the terms of the incorporated Default Articles of Agreement.
- 9) *Designates* the Greensboro School District, the Hardwick School District, the Stannard School District (excepting grades 7-12), the Woodbury School District, and the Lakeview Union Elementary School District as the **Orleans Southwest Union Elementary School District**, which union elementary school district
- a) Shall provide for the prekindergarten through **grade 6** education of students residing in the towns of **Greensboro, Hardwick, Stannard, and Woodbury** under the terms and conditions specified in the incorporated Default Articles of Agreement for the Orleans Southwest Union Elementary School District;
 - b) Is assigned to the **Orleans Southwest Supervisory Union** pursuant to 16 V.S.A. § 706h; and
 - c) Shall supplant the Greensboro School District, the Hardwick School District, the Stannard School District (excepting grades 7-12), the Woodbury School District, and the Lakeview Union Elementary School District pursuant to 16 V.S.A. ch. 11 and the terms of the incorporated Default Articles of Agreement.
- 10) *Designates* the Albany School District, the Barton Incorporated District, the Brownington School District, the Glover School District, the Irasburg School District, and the Orleans Incorporated District as the **Orleans Central Union Elementary School District**, which union elementary school district
- a) Shall provide for the **Albany, Barton, Brownington, Glover, Irasburg, and Orleans** prekindergarten through **grade 8** education of students residing in the towns of under the terms and conditions specified in the incorporated Default Articles of Agreement for the Orleans Central Union Elementary School District;
 - b) Is assigned to the **Orleans Central Supervisory Union** pursuant to 16 V.S.A. § 706h; and
 - c) Shall supplant the Albany School District, the Barton Incorporated District, the Brownington School District, the Glover School District, the Irasburg School District, and the Orleans Incorporated District pursuant to 16 V.S.A. ch. 11 and the terms of the incorporated Default Articles of Agreement.
- 11) *Designates* the Bennington School District, the Pownal School District, the Shaftsbury School District, and the Woodford School District as the **Southwest Vermont Union Elementary School District**, which union elementary school district:
- a) Shall provide for the prekindergarten through **grade 6** education of students residing in the towns of **Bennington, Pownal, Shaftsbury, and Woodford** under the terms and conditions specified in the incorporated Default Articles of Agreement for the Southwest Vermont Union Elementary School District;
 - b) Is assigned to the **Southwest Vermont Supervisory Union** pursuant to 16 V.S.A. § 706h; and

- c) Shall supplant the Bennington School District, the Pownal School District, the Shaftsbury School District, and the Woodford School District pursuant to 16 V.S.A. ch. 11 and the terms of the incorporated Default Articles of Agreement.

[New members added to existing Unified Union School District]

- 12) *Designates* the **Montgomery School District** as a **prekindergarten through grade 12 member** of the Northern Mountain Valley Unified Union School District, the voters of the unified union school district having accepted Montgomery as a prekindergarten through grade 12 member pursuant to 16 V.S.A. § 721 in the district's voter-approved Articles of Agreement, which unified union school district:
 - a) Shall provide for the prekindergarten through grade 12 education of students residing in the town of **Montgomery** under the terms and conditions specified in the voter-approved Articles of Agreement of the Northern Mountain Valley Unified Union School District beginning on July 1, 2019; and
 - b) Shall supplant the Montgomery School District pursuant to 16 V.S.A. ch. 11 and the terms of the unified union school district's Articles of Agreement.

- 13) *Designates* the **Sheldon School District** as a **prekindergarten through grade 12 member** of the Northern Mountain Valley Unified Union School District, the voters of the unified union school district having accepted Sheldon as a prekindergarten through grade 12 member pursuant to 16 V.S.A. § 721 in the district's voter-approved Articles of Agreement, which unified union school district:
 - a) Shall provide for the prekindergarten through grade 12 education of students residing in the town of **Sheldon** under the terms and conditions specified in the voter-approved Articles of Agreement of the Northern Mountain Valley Unified Union School District beginning on July 1, 2019; and
 - b) Shall supplant the Sheldon School District pursuant to 16 V.S.A. ch. 11 and the terms of the unified union school district's Articles of Agreement; *and*

Adjusts the boundaries of the current **Franklin Northeast Supervisory Union** to include the Town of Sheldon, a member of the Northern Mountain Valley Unified Union School District, effective on July 1, 2019.

[Non-member elementary districts added to MUUSDs]

- 14) *Designates* the **Barnard School District** as a **prekindergarten through grade 12 member** of the Windsor Central Modified Unified Union School District *provided that* a majority of the voters of the Windsor Central Modified Unified Union School District present and voting at an annual or special meeting warned for the purpose on or before July 1, 2019 vote to approve the addition of the Barnard School District as a prekindergarten through grade 12 member pursuant to 16 V.S.A. § 721, at which time the Windsor Central Modified Unified Union School District:

- a) Shall be a unified union school district;
 - b) Shall provide for the prekindergarten through grade 12 education of students residing in the town of **Barnard** beginning on July 1, 2019 under the terms and conditions specified in the union district's voter-approved Articles of Agreement; and
 - c) Shall supplant the Barnard School District pursuant to 16 V.S.A. ch. 11 on July 1, 2019, except that the Barnard School District shall remain in existence after that date for no more than six months for the sole purpose of completing any audits or any other task that the unified union school district is legally unable to perform.
- 15) *Designates* the **Cambridge School District** as a **prekindergarten through grade 12 member** of the Lamoille North Modified Unified Union School District *provided that* a majority of the voters of the Lamoille North Modified Unified Union School District present and voting at an annual or special meeting warned for the purpose on or before July 1, 2019 vote to approve the addition of the Cambridge School District as a prekindergarten through grade 12 member pursuant to 16 V.S.A. § 721, at which time the Lamoille North Modified Unified Union School District:
- a) Shall be a unified union school district;
 - b) Shall provide for the prekindergarten through grade 12 education of students residing in the town of **Cambridge** beginning on July 1, 2019 under the terms and conditions specified in the union district's voter-approved Articles of Agreement; and
 - c) Shall supplant the Cambridge School District pursuant to 16 V.S.A. ch. 11 on July 1, 2019, except that the Cambridge School District shall remain in existence after that date for no more than six months for the sole purpose of completing any audits or any other task that the unified union school district is legally unable to perform.
- 16) *Designates* the **Huntington School District** as a **prekindergarten through grade 12 member** of the Mount Mansfield Modified Unified Union School District *provided that* a majority of the voters of the Mount Mansfield Modified Unified Union School District present and voting at an annual or special meeting warned for the purpose on or before July 1, 2019 vote to approve the addition of the Huntington School District as a prekindergarten through grade 12 member pursuant to 16 V.S.A. § 721, at which time the Mount Mansfield Modified Unified Union School District:
- a) Shall be a unified union school district;
 - b) Shall provide for the prekindergarten through grade 12 education of students residing in the town of **Huntington** beginning on July 1, 2019 under the terms and conditions specified in the union district's voter-approved Articles of Agreement; and
 - c) Shall supplant the Huntington School District pursuant to 16 V.S.A. ch. 11 on July 1, 2019, except that the Huntington School District shall remain in existence

after that date for no more than six months for the sole purpose of completing any audits or any other task that the unified union school district is legally unable to perform.

- 17) *Designates* the **Orwell School District** as a **prekindergarten through grade 12 member** of the Slate Valley Modified Unified Union School District, the voters of the Slate Valley Modified Unified Union School District having accepted the Orwell School District as a prekindergarten through grade 12 member pursuant to 16 V.S.A. § 721 on November 6, 2018, which unified union school district:
- a) Is a unified union school district;
 - b) Shall be known by the legal name Slate Valley Unified Union School District;
 - c) Shall provide for the prekindergarten through grade 12 education of students residing in the town of **Orwell** beginning on July 1, 2019 under the terms and conditions specified in the union district’s voter-approved Articles of Agreement;
 - d) Continues to be assigned to the **Addison Rutland Supervisory Union** pursuant to 16 V.S.A. § 706h until July 1, 2019;
 - e) Is designated as a supervisory district pursuant to 16 V.S.A. § 261(c), effective July 1, 2019; and
 - f) Shall supplant the Orwell School District pursuant to 16 V.S.A. ch. 11 on July 1, 2019, except that the Orwell School District shall remain in existence after that date for no more than six months for the sole purpose of completing any audits or any other task that the unified union school district is legally unable to perform.
- 18) *Designates* the **Windham School District** as a **prekindergarten through grade 12 member** of the West River Modified Unified Union School District *provided that* a majority of the voters of the West River Modified Unified Union School District present and voting at an annual or special meeting warned for the purpose on or before July 1, 2019 vote to approve the addition of the Windham School District as a prekindergarten through grade 12 member pursuant to 16 V.S.A. § 721, at which time the West River Modified Unified Union School District:
- a) Shall be a unified union school district;
 - b) Shall provide for the prekindergarten through grade 12 education of students residing in the town of **Windham** beginning on July 1, 2019 under the terms and conditions specified in the union district’s voter-approved Articles of Agreement; and
 - c) Shall supplant the Windham School District pursuant to 16 V.S.A. ch. 11 on July 1, 2019, except that the Windham School District shall remain in existence after that date for no more than six months for the sole purpose of completing any audits or any other task that the unified union school district is legally unable to perform.

[SU boundary adjustments]

19) *Adjusts the boundaries* of the **Caledonia Central Supervisory Union** to include the **Cabot School District**, effective July 1, 2019.

20) *Adjusts the boundaries* of the **Caledonia Central Supervisory Union** to include the **Twinfield Union School District**, effective July 1, 2019.

Severability.

If any provision of this Order is declared invalid by any court of competent jurisdiction, then such provision shall automatically be adjusted to the minimum extent necessary to the requirements for validity as declared at such time and as so adjusted shall be deemed a provision of this Order as though originally included herein. In the event that the provision invalidated is of such a nature that it cannot be so adjusted, the provision shall be deemed deleted from this Order as though such provision had never been included herein. In either case, the remaining provisions of this Order shall remain in full force and effect.

Default Articles of Agreement

Act 49 requires the State Board to issue default articles of agreement for each new union school district formed by this Final Report and Order, which govern the new union school district unless and until the district amends them. The Board adopted a common set of default articles at its November 28, 2018 meeting. Attached as appendices are the adopted default articles of agreement, completed for each of the following union school districts:

Unified Union School Districts

1. Windham Southeast Unified Union School District
2. Franklin Northwest Unified Union School District
3. Oxbow Unified Union School District
4. Barre Unified Union School District
5. Washington Central Southeast Unified Union School District
6. Lamoille South Unified Union School District
7. Enosburgh-Richford Unified Union School District

Union Elementary School Districts

8. Windham Northeast Union Elementary School District
9. Orleans Southwest Union Elementary School District
10. Orleans Central Union Elementary School District
11. Southwest Vermont Union Elementary School District

This Report on Decisions and Order was duly adopted by the State Board of Education at a meeting thereof duly warned and held at Bellows Free Academy – St. Albans, in the City of St. Albans, Vermont, on November 28, 2018.

Krista Huling _____

List of Appendices

Map

Articles of Agreement