

AGENCY OF EDUCATION
Barre, Vermont

TEAM: School Governance Team

ITEM: Will the State Board of Education find that the **LELAND & GRAY TOWNS** Act 46 Study Committee's (L&G Study Committee) request to amend the proposed West River Education District Articles of Agreement, approved by the Board on December 20, 2016, is "in the best interests of the State, the students, and the school districts," and will the State Board therefore vote to approve the L&G Study Committee's request to amend the proposed articles before the proposed articles are submitted to the voters on March 7, 2017?

RECOMMENDED ACTION:

- 1. That the State Board of Education finds that the L&G Study Committee's request to amend the proposed West River Education District Articles of Agreement, approved by the Board on December 20, 2016, is "in the best interests of the State, the students, and the school districts."**
- 2. That the State Board of Education votes to approve the L&G Study Committee's request to amend the proposed Articles of Agreement to expand membership on the Unified Board after it is created.**

STATUTORY AUTHORITY: 16 V.S.A. § 706c; Act 46 of 2015; Act 153 of 2010, Secs. 2-4, as amended; Act 156 (2012), Sec. 17, as amended.

OVERVIEW: On December 20, 2016, the State Board approved the L&G Study Committee's proposal to form a unified union school district or, alternatively, a modified unified union school district (New Unified District). That proposal included Articles of Agreement creating an eleven member board – nine of whom would be elected on a town-by-town basis and two of whom would be elected at-large.

Although the L&G Study Committee's proposed articles comply with Vermont law, the committee has determined that, as written, they create an unexpected consequence: the *at-large* members of the *initial* board could reside in one of only two town elementary school districts, rather than in any of the five potentially merging town districts.

The Study Committee requests that the State Board approve amendments that will permit the initial at-large members to reside in any town that is a member of the New Unified District.

BACKGROUND INFORMATION:

The L&G Study Committee was formed by the five town elementary school districts of Brookline, Jamaica, Newfane, Townshend, and Windham on their own behalf and representing the Leland and Gray Union Middle/High School District.

The proposal to create the New Unified District will be presented to the voters on March 7, 2017. If approved by the voters, the New Unified District would become fully operational on July 1, 2019.

Vermont statutes state that election of the initial unified union board must occur on the same day that the voters of each district vote whether to form the New Unified District. 16 V.S.A. § 706e(a).

In addition, statutes require that an *at-large* member of the *initial* board must reside in a district that a study committee has identified as “*necessary*.” 16 V.S.A. § 706e(c).

This requirement makes practical sense. Without it, an individual living in an “*advisable*” district could be elected to serve as an at-large member of the initial board despite the fact that, on the same day, the electorate of that “*advisable*” district voted not to join the new district.

Pursuant to Article 8, as approved by the State Board in December, the New Unified District would be governed by an eleven-member school board:

- Nine members who:
 - Would be assigned to each town in a number that is closely proportional to the town’s relative population; and
 - Would be elected solely by the voters of their town of residence
- Two members who would be elected at-large by voters of the entire Unified District.

The L&G Study Committee identifies the following school districts as:

- “*Necessary*” to the proposal: Brookline; Newfane; and Leland & Gray UM/HSD
- “*Advisable*” to the proposal: Jamaica; Townshend; and Windham.

Although the articles approved by the State Board conform to State statute, it was not the L&G Study Committee’s intention that the two *initial* at-large board members could reside only in Brookline or Newfane.

The L&G Study Committee now requests¹ that the State Board approve an amendment to the SBE-approved Articles of Agreement that would provide for:

1. *Election of a nine-member Unified Board* on March 7, 2017, on which:
 - o Membership would be assigned to each town in a number that is closely proportional to the town's relative population; and
 - o Members would be elected solely by the voters of their town of residence.

2. *Expansion of the nine-member board* at the New Unified District's Spring 2018 Annual Meeting through the election of two additional, at-large members by the voters of the entire Unified District.

DISCUSSION:

If a New Unified District is created, then beginning on the day of the District's organizational meeting in the Spring of 2017, the Unified Board would be responsible for transitioning the District to full operations on July 1, 2019.

The L&G Study Committee originally proposed an eleven-member Unified Board, nine of whom would represent and be elected by voters in each of the five towns in a number that is closely proportional to the town's relative population.

By letter dated December 13, 2016, the Study Committee's legal counsel determined that "there is a reasonable legal basis for a court [to] conclude that the [nine member, town-based] representation plan satisfies the requirements of the Equal Protection Clause of the U.S. Constitution."

Therefore, amending the articles to create a nine-member board consisting *solely* of the nine town-elected members would result in a properly constituted board that would be able to conduct business on behalf of the New Unified District.

In addition, amending the articles to expand a properly constituted nine-member board at a later date (Spring 2018) ensures that at-large directors are able to reside in any town that votes to be a member of the New Unified District, regardless of whether it was initially identified as "necessary" or "advisable" to the District's creation.

The requested amendment will enable the voters of the New Unified District to nominate and select at-large board members in a manner that more accurately represents all voters in the New Unified District.

STAFF AVAILABLE: Donna Russo-Savage, Principal Assistant to the Secretary,
School Governance

¹ The precise language of the proposed amendments and a written request for the State Board to approve those amendments will be available at the State Board meeting on January 17, 2017.

January 17, 2017

Chairman Stephen Morse,

I am writing to you on behalf of the Leland and Gray Towns Act 46 Study Committee. Due to unanticipated consequences, we are requesting a revision to the Articles of Agreement about the composition and election of board members.

Christopher Leopold, the board's attorney, will represent the study committee at the State Board's meeting.

Sincerely,



William Anton
Superintendent of Schools
Windham Central Supervisory Union

Article 8 - Composition of the school board

The Unified District Board initially will be comprised of nine members elected from the electorate in individual towns. For the nine members elected in individual towns, representation on the Unified District Board will be closely proportional to the fraction that the town's population bears to the aggregate population of the Unified District. Initial Board composition will be based upon the year 2010 Federal Census and shall be recalculated promptly following the release of each subsequent decennial census. However, at no time will a Forming District have less than one member on the Board. Subject to the previous sentence, each proportionality calculation shall be rounded to the nearest whole number.

Effective January 1, 2018, the Board of School Directors shall be expanded to include two members elected at large for a total of eleven members. The two at large members will be elected by a vote of the entire electorate of all towns joining the unified union school district or modified union school district. Votes of the entire electorate shall be counted together (comingled) without being first counted at the town level.

Initial Number of Unified District Board Members by Town
(Population from 2010 census)

Brookline (530 - 11%)	1 Member
Jamaica (1035 - 21%)	2 Members
Newfane (1,726 - 35%)	3 Members
Townshend (1,232 - 25%)	2 Members
Windham (419 - 8%)	1 Member
Total (4,942)	9 Members

Effective January 1, 2018, the Board of School Directors shall be expanded to include two at large members for a total of 11 members. The at large members shall be elected at the 2018 annual meeting.

Article 9 - School Directors – Election and Term

The Unified District School District Board of School Directors will be elected for three-year terms, except for those initially elected at the time of the formation of the Unified

District. In the initial Unified District election, board member terms of office will be as follows:

Distribution of Initial Board Member Terms

Town	Two-Year Term Starting 2017 Ending March 2019	Three-Year Term Starting 2017 Ending March 2020	Four-Year Term Starting 2017 Ending March 2021
Brookline			1
Jamaica	1	1	
Newfane	1	1	1
Townshend	1	1	
Windham			1

Effective January 1, 2018: Distribution of Initial At Large Board Member Terms

		Two-Year Term Starting 2018 Ending March 2020	Three-Year Term Starting 2018 Ending March 2021
At Large		1	1