

AGENCY OF EDUCATION

Barre, Vermont

TEAM: School Governance

ITEM: Will the State Board of Education approve the request of the Windham Southwest Supervisory Union (WSWSU) to waive default requirements for composition of the WSWSU Board pursuant to 16 V.S.A. § 261(d)?

ACTING SECRETARY'S RECOMMENDED ACTION:

1. That the State Board of Education votes to waive default requirements for supervisory union board composition pursuant to 16 V.S.A. § 261(d) and to authorize the WSWSU Board to consist of three members from each "town that has a school" for a total of 16 appointed members, allocated as follows:

- **Searsburg School District: one member**
- **Southern Valley USD: six members – three each from Halifax and Readsboro**
- **Stamford School District: three members**
- **Twin Valley USD: six members – three each from Whitingham and Wilmington**

2. That the State Board of Education establishes July 1, 2018, which is the day on which the Southern Valley USD and the Twin Valley USD become fully operational, as the day on which the new composition of the WSWSU Board becomes effective.

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

OVERVIEW: Unlike membership on the board of a school district, there is no constitutional requirement of proportionality for membership on a supervisory union (SU) board.

16 V.S.A. § 266 directs each school district to appoint three of its board members to the SU board, "[b]ut the school board of any district that employs no teacher shall have only one vote." The State Board is authorized, however, to waive the § 266 default requirements regarding SU Board composition at the request of the supervisory union board if the "waiver will result in efficient and effective operations of the supervisory union; will not result in any disproportionate representation; and is otherwise in the public interest." 16 V.S.A. § 261(d)

The current WSWSU Board has 16 directors representing six member districts: five of the districts operate schools and appoint three board members each to serve on the SU Board; the remaining district operates no schools and appoints one member to the SU Board as follows:

- Halifax School District – 3 members
- Readsboro School District – 3 members
- Searsburg School District (non-operating) – 1 member
- Stamford School District – 3 members
- Whitingham School District – 3 members
- Wilmington School District – 3 members

In May 2017, the voters in two pairs of member districts approved creation of two new unified union school districts. The voters of the Halifax and Readsboro Districts approved creation of the Southern Valley Unified School District. The voters of the Whitingham and Wilmington Districts approved creation of the Twin Valley Unified School District. Both new unified districts will be fully operational on July 1, 2018.

The default requirements of § 266 would reduce the number of board members from a total of 16 members to a total of 10 members, representing the WSWSU districts as follows:

- Searsburg School District (non-operating) – one member
- Southern Valley Unified School District (Halifax; Readsboro) – three members
- Stamford School District – three members
- Twin Valley Unified School District (Whitingham; Wilmington) – three members

At the March 28, 2018 “Super Board” meeting, the appointed members voted as follows:

Super Board Structure – Chum presented the information from the AOE on re-structuring under Act 46. Motion to have three representatives from each town that has a school, and one rep from the town without a school made by Mary, seconded by Erika. Motion carried.

If the State Board approves the waiver, the WSWSU will essentially maintain its current, pre-merger SU board representation:

- Searsburg School District – one member
- Southern Valley Unified School District – six members, with three each from Halifax and Readsboro
- Stamford School District: three members
- Twin Valley Unified School District – six members, with three each from Halifax and Readsboro

Using FY 2018 data, the K-12 average daily membership (“ADM”) of each district is:

- Searsburg School District (non-operating) – 18.40
- Southern Valley Unified School District (Halifax; Readsboro) – 151.22
- Stamford School District – 98.00
- Twin Valley Unified School District (Whitingham; Wilmington) – 370.40

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

proportionality is not required for membership on an SU board, given the disparate post-merger sizes of the districts within the WSWSU (using ADM as an approximation of population), the requested representation is a fairer allocation of membership than the default numbers required by 16 V.S.A. § 266.

The other two goals favoring waiver – the “efficient and effective operations of the supervisory union” and being “otherwise in the public interest” – are not necessarily hindered by the requested representation. It should be noted, however, that the requested SU board representation would mirror that of the pre-merger SU board. If the State Board grants the waiver, then the new SU board should resist any tendency to continue to think of the two new unified districts as the four discrete districts that merged to form them.

Accordingly, it is advisable for the State Board to grant a waiver of the statutorily required SU board composition and authorize the WSWSU to consist of 16 members as set forth above.

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