

DRAFT Compilation of Public Comments and Responses (02.21.17; Item M-2)

The State Board of Education’s Proposed Rules re: Alternative Structures (3400 series) during the Public Comment Period Ending 12.20.2016

Section / Topic	Public Comment – NOTE: ALL comments below are <u>directly quoted</u> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)	Response – NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD
3410.2 – “Alternative Structure”	<p>Please fix the definition to clear up confusion over “Alternative Structure” in the technical sense as used in Act 46 Sec. 5(c) and “alternative governance structures” as used in the colloquial sense of Sec. 10. The latter appears to correspond to Sec. 9 structures generally, which extend beyond the scope of 3410.2 as written.</p> <p>All Sec. 5(c) structures would be Sec. 9 structures, but not all Sec. 9 structures need be Sec. 5(c) structures.</p> <p>A strict application of 3410.2 would make 3440ff. cover only Sec. 5(c) structures, <i>not</i> non-5(c) Sec. 9 structures. Is this your intention? If so, my understanding of the Rule will be very different from the idea I hold of it as I proceed with my comments. (ST #1)</p>	Amended 3410.2.
3410.2 – “Alternative Structure” AND 3410.7 “Proposing District(s)” <i>(Rev Draft: 3410.7 term deleted)</i>	3410.2 seems to mean different than 3410.7, a District NOT an SU can propose an Alternative Structure. <u>Clarify.</u> (DMA)	<p>The two terms <u>are</u> different.</p> <p>An “Alternative Structure” (3410.2) is an SU with multiple member districts. Act 46 identifies it as distinct from a “Preferred Structure,” which Act 46 defines as a supervisory district (i.e. a single-district SU).</p> <p>A “Proposing District” is a district that Act 46, Sec. 9 requires to self-evaluate, to have regional conversations, and to submit (on its own or with other districts) a proposal to be part of an Alternative Structure – that is, a member district of a multi-district SU.</p> <p>Revised version simplifies definitions in general and removes “Proposing District” as a defined term</p>
3410.8 “Region” NOW 3410.6	See 3430.8 below (HES)	See 3430.8 below – response to (HES)
3410.9 “Remaining District(s)” <i>(Rev Draft: 3410.7)</i>	<p>The draft rule states that by November 30, 2017 all “remaining districts” must conduct a self-evaluation of the district’s ability to meet the goals of Act 46, meet with other districts to discuss ways to improve relative to the goals, and then submit a proposal for an alternative structure. “Remaining districts” are defined as those districts that will not be in a preferred structure by July 1, 2019, not including career technical center districts and interstate school districts. This definition is in conflict with Act 46 Section X.</p> <p>Districts that will have formed a RED or RED variation by the July 1, 2019 deadline are exempt from the final statewide plan. These districts need not request to keep their governance structures, which is the purpose of the alternative structure proposals. Districts that have formed REDs or RED variations have completed their Act 46 work, and should not be required to participate in another study. It should be noted that many of these districts will have exhausted their study committee grant funds, so the work to complete an alternative proposal would be funded out of their district budgets.(VSBA)</p>	<p>Agreed.</p> <p>A newly merged UUSD that is eligible for incentive/protections under Acts 153 (REDs) or 156 (RED variations) and that is member district in a multi-district SU should be considered to have fulfilled the three requirements of Act 46, Sec. 9 (self-evaluation, regional conversation, proposal for an alternative structure) by submitting its merger proposal to the SBE. It should not be expected to perform these tasks a second time under Sec. 9.</p> <p>This is clarified in new 3422 Scope of Rules.</p>
3420 – Statement of Purpose	Why not adapt the criteria for voluntary mergers under Acts 46, 153, and 156 to non-preferred structures? The criteria that Act 46 Sec. 9 adds can be incorporated quite easily. This would have the great advantage of being fair and non-discriminatory, as well as offering a more consistent review	The decision to propose an AS <u>or</u> to propose articles to create a UUSD should be based upon and result from rigorous self-analysis and detailed regional conversations.

Section / Topic	Public Comment – NOTE: ALL comments below are <i>directly quoted</i> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)	Response – NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD
	experience for State Board members, enabling them to make more accurate comparisons and render better judgments. (ST #1)	<p>Long-standing statutes direct the SBE to approve a proposal to create a UUSD if the SBE determines that merger is in the best interests of “the State, the students, and the school districts.” 16 VSA § 706c(b). The SBE bases this determination upon a proposal’s demonstration of the ways in which it will meet the five Goals of Act 46. To make this demonstration, districts proposing to create a UUSD rely upon exactly the same sort of data that the proposed AS rules identify. See, e.g., the proposals of Addison NE SU (September 20, 2016 SBE meeting; Item J-1); Addison Rutland SU (January 17, 2017 SBE meeting; Item J-3); and Windsor Central SU (February 21, 2017 SBE meeting; Item G)</p> <p>The initial proposed AS rules have already “adapt[ed] the criteria for mergers under Acts 46, 153, and 156 to non-preferred structures” by identifying that the same type of data used by study committees in merger proposals is fundamental to an AS proposal.</p> <p>See also page 11 below for response to “General: Same Standards / Same Resources”</p>
<p>3430.1(1) – Goal #1 “Substantial Equity”</p> <p><i>(Rev Draft: Act 46, Sec. 2 Goal #1 is quoted in 3410.4)</i></p>	<p>Defining and measuring “equity” is a difficult conversation that Vermont has barely begun. For the child of affluent and healthy parents “equity” may mean a depth of AP courses. For the child whose parents are struggling to get by on Social Security Disability or struggling with an addiction “equity” may mean a school small enough to provide the personal attention required to meet needs well beyond academics. Consolidation doesn’t assure equity. In fact, it has the potential to do harm, especially if a merger proposal leaves small elementary schools in our least affluent communities at the mercy of a consolidated board with the power to redraw attendance boundaries. (DK)</p>	<p>Agreed. There is no one way – nor is there an easy way – to define equity.</p> <p>The data identified in proposed rule 3450 provide some information to help initiate conversations and analysis, both within a single district and also among districts on a regional basis.</p> <p>The identified data are indicative of some of the information that the SBE looks at when it tries to assess equity.</p> <p>The identified data are not intended to be exclusive of other information that a district or group of districts considers important when considering issues of equity.</p> <p>Miscellaneous small revisions attempt to make this clearer.</p>
(same)	<p>And the primary definition of “equity” as equal minutes spent on each subject felt simplistic to me and counter to the values of diversity. (DM)</p>	<p>Please see the response above.</p>
(same)	<p>I ask the Board to reject any simplistic definition of equity in these rules that may result in a reduction in the diversity of students’ experiences coming in to then graduating from high school. Real equity is not uniform numbers of minutes spent on uniform subjects across the supervisory region or the state. (DM)</p>	<p>Please see the response above.</p>
(same)	<p>Equity of opportunity is a slogan if it is not accompanied by a specific list of the current inequities in our supervisory union and a clear explanation of the changes that will address them. Are we adopting a new way to run our schools because it “sounds good” or because it represents a real strategy for improvement. I think we always instruct our students to adopt the real strategy over what sounds good. Ironic, yet again. (AD)</p>	<p>Please see the response above.</p>
<p>3430.1(4), 3430.8, & 3440.9 – Goal #4 “Transparency and Accountability”</p> <p><i>(Rev Draft: Act 46, Sec. 2 Goal #4 is quoted in 3410.4)</i></p>	<p>It is a mistake to assume that somehow the dissolution of any school board will serve these goals. If you are serious about transparency and accountability then create a results based accountability system and specific evaluation plan to measure performance of all governance structures under Act 46. Do a clear analysis of costs and trends, including after any incentives have sunsetted. Incentivize imagination, innovation and cooperation not just mere consolidation. If we want results logic compels that we reward real outcomes, not just new structures. (DK)</p>	<p>Agreed. Merger of governance structures without taking advantage of the flexibility that the structure provides will not move any educational entity toward achievement of the Act 46 Goals.</p> <p>Under Education Quality Reviews the AOE will be implementing SU and District snapshots that will help us to understand how schools within those systems are performing. Those data reports are currently under development.</p>

Section / Topic	Public Comment – NOTE: ALL comments below are <i>directly quoted</i> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)	Response – NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD
		<p>Having said this, different configurations and governance structures between systems throughout the State make comparisons challenging and should be interpreted with care.</p> <p>Act 46 requires nonmerging districts to submit proposals by November 30, 2017 and so timing doesn't allow SBE to base AS rules on data from voluntary mergers – and the data wouldn't be applicable.</p> <p><i>[No specific action requested re: rules and none taken]</i></p>
(same)	And I will add that we will never have adequate transparency until we have a funding formula voters can understand. (DK)	This is an issue to discuss with the Legislature. <i>[No specific action requested re: rules and none taken]</i>
(same)	Finally, I ask the Board to consider a citizen view of transparency and accountability in these rules, rather than a top down view. The citizen voter should know that the school governance is transparent and accountable to him or her, rather than in the control of distant powers that be. Alternative governance ideas can promote this citizen's voice and thereby retain the important connection between school and community. (DM)	<p>Districts presenting AS proposals and districts proposing creation of UUSDs must both address how the proposal supports transparency.</p> <p>The SBE does not expect, nor do the rules require, that the demonstration be made in any one particular manner. <i>[No specific action requested re: rules and none taken]</i></p>
3430.3 – “Goals are best met” (Rev Draft: 3430 restructured)	Even Nicole Mace inserts “presumed to be” between “goals are” and “best met.” (ST #1)	3430 rules revised and restructured to quote directly from Act 46.
(same)	<p>Act 46, Sec 5 [b] describes what a preferred structure is, but it does not say the goals of the law are <u>best met</u> by a preferred structure. As you acknowledge in the section below 3430.4. Act 46 states a Preferred Structure may not be “possible or the <u>best model</u>” to achieve the Goals throughout the State. <i>[Act 46, Sec. 5(c)]</i></p> <p><u>This section should be deleted.</u> (MDML)</p>	3430 rules revised and restructured to quote directly from Act 46.
3430.4 (Rev Draft: 3430 rules restructured)	<p>Change 2nd sentence to: “This acknowledges that local conditions make Preferred Structures unsuitable in some cases.”</p> <p>It’s not just “anomalies of demography and geography” that make Preferred Structures “difficult to achieve.” In some real-life situations the preferred structure actually fails to meet Act 46 goals. I have personally had the honor of demonstrating one such situation to you. (ST #1)</p>	3430 rules revised and restructured to quote directly from Act 46.
(same)	<p>Again, the Vermont Legislature made clear in Section 5 of Act 46 that Alternative Structures would be allowed. In fact, the law specifically states: “An Education District as envisioned in subsection (b) of this section may not be possible or the best model to achieve Vermont’s education goals in all regions of the State.”</p> <p>But, in the Proposed Rules, you jump far ahead of this statute in limiting the instances in which the Preferred Structure “may not be possible or the best model.” Rule 3430.4 declares that: “This acknowledges that local anomalies of demography and geography made Preferred Structures difficult to achieve in some locations.”</p> <p>While demography and geography were some of the reasons the Legislature wanted to ensure the Alternative Structures option, they were not the only reasons. And it is simply inaccurate to imply that it was an exhaustive list. (HES)</p>	3430 rules revised and restructured to quote directly from Act 46.
3430.5	Delete. Basically says that the best Alternative Structure is a Preferred Structure. We get it. (ST #1)	3430 rules revised and restructured to quote directly from Act 46.

Section / Topic	Public Comment – NOTE: ALL comments below are <i>directly quoted</i> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)	Response – NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD
(Rev Draft: 3430 rules restructured)		
(same)	Section 3430.5 tells us to create “the smallest number of member school districts practicable” which is then defined as “to the full extent current governance structures will permit.” What obstacles justify non-compliance? Debt? Geography? Increased tax rates? Hardwick can merge with Woodbury but it raises Hardwick’s taxes and Woodbury fears losing its small elementary school. Does that justify not merging? Craftsbury is a small school with terrific outcomes that could merge with both Hardwick and Woodbury . They could merge – but for what reason? Merger for merger’s sake is like amputating your arm because your neighbor did it. (DK)	<p>The SBE expects all districts and groups of districts, regardless of whether or not they are proposing to merge, to analyze a wide variety of data.</p> <p>A proposal to merge or not to merge should be based upon a comprehensive understanding of the region as a whole.</p> <p>There is probably no one factor – other than disparate governance structures – that is determinative.</p> <p>Agreed. Merger of governance structures without taking advantage of the flexibility that the structure provides will not move any educational entity toward achievement of the Act 46 Goals.</p> <p>[No specific action requested re: rules and none taken]</p>
3430.6 (Rev Draft: 3430.3 and 3430.4)	Delete. The statement is either true of all structures or true of none, so leave it out. (ST #1)	A proposal to merge is submitted and considered pursuant to 16 VSA Chapter 11. When a proposal for an AS is made pursuant to Act 46, Sec. 9, it is submitted pursuant to the deadline stated in that section and is considered in connection with the Statewide Plan pursuant to Secs. 8 and 10. Revised to clarify.
3430.7 (Rev Draft: 3430 rules restructured)	Delete. I know this proposition is dear to the hard-line pro-consolidation crowd, but it stretches both Act 46 and the English language well beyond the limits even of their considerable elasticity. (ST #1)	3430 rules revised and restructured to quote directly from Act 46.
(same)	<p>A reading of these sections, Act 46, Secs. 5(c), 8(b), and 10(a) does not indicate language that states the preferred structure is the default. Rather they indicate that meeting the goals of the law is the default and the options available for meeting the goals of the law include preferred, conventional and alternative models. Act 46 section 8(b) says this clearly:-</p> <p style="padding-left: 40px;"><i>The State Board shall approve the creation, expansion, or continuation of a supervisory union only if the Board concludes that this alternative structure: (1) is the best means of meeting the goals set forth in Sec. 2 of this act in a particular region;</i></p> <p>This section concurs the goals of the law are the default not the preferred structure. It does not say the alternative structure is only allowed if the preferred structure is not possible, or is rejected by voters or in other ways describes the imposition of the preferred structure as the default. It rightly indicates the goals of the law are the default by which each proposal should be measured.</p> <p>It also assumes that an alternative structure will be proposed as a supervisory union rather than a hybrid creative model, which may have elements of independence and merger. The rules need to indicate that an alternative structure is an alternative structure not necessarily the <u>continuation of a supervisory union</u> as that is but one possibility.</p> <p><u>This section should be deleted.</u> (MDML)</p>	3430 rules revised and restructured to quote directly from Act 46.
3430.8 (Rev Draft: 3430 rules restructured)	See 3430.1(4) above (DK)	<p>See 3430.1(4) above – response to (DK)</p> <p>3430 rules revised and restructured to quote directly from Act 46.</p>

Section / Topic	Public Comment – NOTE: ALL comments below are <i>directly quoted</i> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)	Response – NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD
3430.8 <i>(Rev Draft: 3430 rules restructured; see revised definition at 3410.6)</i>	<p>Note that throughout the text of Act 46, the Legislature talks about and refers to “particular region(s).” And note that through the Proposed Rules, the draft refers to these same items as simply “Region(s).”</p> <p>While some may consider this semantics, the distinction is absolutely critical. In fact, I believe the change is designed to broaden the term to ensure greater subjectivity for the State Board of Education when considering the approval of Alternative Structures.</p> <p>Specifically, in Proposed Rule 3410.8, it states: “Region” is not defined by current supervisory union boundaries, but should be identified based on a common-sense view of districts in and outside the current supervisory union.”</p> <p>Simply put, this is far too subjective for a district to depend on when proposing an Alternative Structure. (HES)</p>	<p>Act 46, Sec. 9(a)(2)(B) regarding the self-analysis, regional discussions and proposals for AS that are the subject of the proposed rules states that the districts “do not need to be contiguous and do not need to be within the same supervisory union.”</p> <p>With the exception of the criteria in place for a Phase 1 accelerated merger, nothing in Act 46 or the incorporated Acts 153 or 156 require that districts talk only with districts in their own SUs.</p> <p>The term was as defined in the rules was intended to reassure districts that the SBE plans to use a common sense approach to what is and is not a reasonable view of a region and would not be requiring merger based upon an unreasonable.</p> <p>See revision to definition in 3410.6</p>
3430.9	<p>Once again, this proposal does not accurately reflect the legislative intent in Act 46. Our intent was to ensure that Alternative Structures were a viable option, and one that local communities could explore and develop, as long as they met the established goals. Indeed, maybe some in the legislature believe that the one-size fits all approach is the only approach local communities should take, but the intent of the Legislature as a whole was to ensure the option is obtainable for those communities that choose to do so.</p> <p>Act 46 has outlined clearly its goals in Section 2: <i>[HES’s comment quotes 5 goals in full]</i></p> <p>As long as the community proposing an Alternative Structure can clearly demonstrate that it will meet these goals, the proposal should be easily approved. The hoops to jump through and bars to jump over as proposed currently seem more like a barrier to the establishment of an Alternative Structure than a roadmap for such an establishment.</p> <p>For all of these reasons, I request that the Proposed Rules 3400 be simplified, and that it be made clear that the underlying issue will determine the approval of Alternative Structures will be whether or not the Goals outlined in Section 2 of Act 46 will be met. (HES)</p>	<p>Rules simplified as requested. Rules revised and restructured to quote directly from Act 46.</p> <p>The data requested is the same data that districts proposing UUSDs rely upon as well. It helps districts in either situation to have comprehensive conversation about the goals of Act 46 and how the proposal (whether to merge or not) meets those goals.</p>
3440.3 <i>(Rev Draft: 3440 rules restructured)</i>	This is beautiful! Elegant, economical, and comprehensive. Why would you need anything else? (ST #1)	See comments below. 3440 rules revised and restructured to quote directly from Act 46.
(same) <i>(Rev Draft: 3440 rules restructured)</i>	<p>If this requirement is necessary for an alternative structure why is it not required for proposals for preferred or conventional mergers also? It would seem to provide needed evidence related to the goals so shouldn’t this evidence be necessary for all proposals?</p> <p>These proposed rules add numerous requirements to districts that choose a different route to best meet the goals of the law not required by districts that choose a different path. This is not in keeping with the intent of the law. If the SBE feels these requirements are what is needed to adequately vet that proposals meet the goals of the law then they should be requirements for all proposals. (MDML)</p>	3440 rules revised and restructured to quote directly from Act 46.

Section / Topic	Public Comment – NOTE: ALL comments below are <i>directly quoted</i> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)	Response – NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD
(same) (Rev Draft: 3440 rules restructured)	This is a complete overreach of rulemaking authority. Nowhere in Act 46 does it state that an Alternative Structure proposal is dependent upon a demonstration that a Preferred Structure is not “possible” or is not the “best model.” In fact, Act 46 makes it clear in Section 5(c) that an Alternative Structure is an option for districts as long as the following is met: <p style="margin-left: 40px;">“1) the member districts consider themselves to be collectively responsible for the education of all prekindergarten through grade 12 students residing in the supervisory union; (2) the supervisory union 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; (3) 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 (4) the combined average daily membership of all member districts is not less than 1,100.”</p> To reiterate, nowhere in the legislation is there a requirement that a district demonstrate that a Preferred Structure is not “possible” or is not the “best model,” so the Proposed Rule is an overreach of rulemaking authority. (HES)	3440 rules revised and restructured to quote directly from Act 46.
3440.3.1 (Rev Draft: 3440 rules restructured)	So much for beauty. Delete. Emphatically delete. (ST #1)	3440 rules revised and restructured to quote directly from Act 46.
3440.4	District which are part of a Study Comm. Should be allowed extra time to apply for a Alt. Struc. Because they have been busy on the Merge Study Comm. And have been waiting for a town vote before proceeding. <u>Legislative action?</u> (DMA)	Changing deadlines would require legislative action. Note, however, that the data reviewed and analysis conducted in connection with a merger proposal is the same data and analysis that the SBE expects districts will rely upon under the proposed rules. If there has been a study committee, then much of the work should already be done.
3440.4.1 (Rev Draft: 3440.3.1)	Here’s where the lack of confidence I hinted at in my #1 above comes home to roost. I don’t trust this “in a manner determined by the Secretary.” Substitute “as agreed between the Secretary and Proposing District(s).” (ST #1)	Act 46 requires “conversations.” A determination of how those conversations will proceed will occur at some time in the future.
3440.5 (Rev Draft: 3440 rules restructured)	Seriously? Someone thinks not-so-subtle threats are a good idea? Delete. (ST #1)	Original draft rule stated what Act 46, Sec. 10(a) requires the Secretary to do. 3440 rules revised and restructured to quote directly from Act 46.
3440.5 and 3440.7	Section 3440.5 says the Secretary can recommend merging the remaining nonmerged districts and Section 3440.7 empowers the Board to consolidate those districts. Shot gun weddings are rarely successful. The Board should redraft this section so as to encourage less radical partnerships. Rather than compel consolidation, the Secretary should encourage Remaining Districts to submit a plan by which they create increased multi-district and multi-campus collaboration and cooperation, not consolidation. The Secretary should ask districts to consider innovative initiatives such as the use of new technologies to work together to achieve the goals of Act 46. Today the Hazen Union debate team practices jointly with Montpelier High School and even Boston Latin High School using Google Hang Out. English classes at Hazen reading The Kite Runner use Skype and discuss the 4 book with students in Pakistan. I hope that Section 3450.9 invites this kind of thinking. (DK)	Act 46, Sec. 9(a)(3) anticipates multi-district/multi campus collaboration as part of a proposal for an AS when demonstrating how the districts will work toward meeting or exceeding the Act 46 goals regionally. The proposed rules anticipate this as well and expect details about these other forms of collaboration. The Secretary and SBE will be reviewing these collaborations to the extent that districts include information about them in their AS proposals. Act 46, Sec. 10 requires the Secretary to propose and the SBE to require mergers where necessary to meet the goals of Act 46.
3440.8	Add “(4)(D) A school district approved under Act 46 Sec. 5(c) or Sec. 9 that begins operating before July 2, 2019.” (ST #1)	The rule states what Act 46 exempts.
3440.8(3)	I appreciate Section 3440.8(3) which helps clarify the position of tuitioning towns (DK)	[No specific action requested re: rules and none taken]
3440.9	See 3430.1(4) above (DK)	See 3430.1(4) above – response to (DK)

Section / Topic	Public Comment – NOTE: ALL comments below are <i>directly quoted</i> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)	Response – NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD
3440.11	No. This should be deleted unless you can cite a genuine legal basis for the claim. (ST #1)	Legal basis cited.
3450.2	Delete. Unnecessary. (ST #1)	3450.-2 – 3450.4 simplified and restructured.
3450.2.1	Delete. Unnecessary. (ST #1)	3450.-2 – 3450.4 simplified and restructured.
3450.2.2	Delete. Unnecessary. (ST #1)	3450.-2 – 3450.4 simplified and restructured.
3450.3	Delete “the information supplied ... and any other,” so that it reads: “Based upon pertinent information, ...” (ST #1)	3450.-2 – 3450.4 simplified and restructured.
3450.4	Delete the same text as in [3450.3], so that it reads the same way. (ST #1)	3450.-2 – 3450.4 simplified and restructured.
“A proposal for an Alternative Structure shall include ...”	Delete “A proposal for an Alternative Structure shall include:” and substitute “Information that may be germane to such a demonstration includes:”. This “transforms 3450.5 through 3450.17 from a sadistic forced march into a friendly guiding hand, a sharing of possible questions worth looking into and problems to watch out for. It also allows the Agency & State Board to work as partners with school boards, partners who freely offer and receive mutual help, instead of lords & masters who derive their amusement from making school boards squirm and run themselves ragged. A much healthier, more productive approach, wouldn’t you agree?” (ST #1)	Rewritten as: “The following, non-exclusive list of information, which is the foundation of a study committee’s proposal to create a UUSD, is fundamental to a district’s self-evaluation, conversations with other districts, and proposal under Act 46, Sec. 9:”
Miscellaneous about Data	ADD Following: <u>Comments that suggested additional information be included in a proposal:</u> <ul style="list-style-type: none"> • Percentage of staff that lives within the district, broken out by professional or non-professional and full year or academic year. • Number of students by grade and tuitioning district. • How many tuition students go to tech programs, where and half day or full day? • Differences between proposing districts’ programming and whether offerings can be equalized. • Statistical data on community: range of home values, range of incomes, income sensitivity rebates used, socioeconomic status of students with home values. • Unique programmatic offerings that would be challenging to share among neighboring districts. • All population-level data should go back 12 years, not 5. • Some small schools have developed their own assessments that should be used to supplement the state assessments. • Special education costs are shared across SU. There should be a place for districts to demonstrate this efficiency in sharing regional costs. Should include trends of special education spending as well. • Demographic information of students should include education level of parents, especially mother. (VSBA) 	<ul style="list-style-type: none"> • Not certain what this data would demonstrate. Added new 3450.18 – “Any other data or analysis that the district(s) wishes to include • 3450.5(11) • Clarified in 3450.8(6) • 3450.8(2) and (3) • New 3450.5(13) • New 3450.18 – “Any other data or analysis ...” • Other comments were that 3 years should be sufficient. Number of years is “at least” so can always review more • Clarified that listed data is not intended to be exclusive by adding new 3450.8(1)(D) • New 3450.9(11) • Data for this? Added new 3450.18 – “Any other data or analysis that the district(s) wishes to include
Miscellaneous about Data	<u>Other comments:</u> <ul style="list-style-type: none"> • All data should be aligned with EQS data. • Districts that have already been approved for merger should not be required to go through alternative structure process. • Keep districts with SBE approved merger plan held harmless from this process. This process will interfere with work to form other governance structures. 	<ul style="list-style-type: none"> • Agreed • Agreed. This is clarified in new 3422 Scope of Rules. • Agreed. This is clarified in new 3422 Scope of Rules.

Section / Topic	Public Comment – NOTE: ALL comments below are <i>directly quoted</i> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)	Response – NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD
	<ul style="list-style-type: none"> There is not sufficient support for districts who have to write these reports. More of the same requirements should be placed on districts seeking approval of preferred structures. The SBE and AOE already have this information (i.e. demographics, equalized pupils, phantom students) so they should be giving it to the study committee rather than asking for it to be reported back. These requests for data assume merger will have wonderful results. It is too daunting and difficult for boards to supply this information. Some towns will not complete the proposal and will do nothing. Data should be more closely aligned with EQR requirements. For districts that have already formed a MUUSD or other structure by July 1, 2017 why would they need to submit one of these proposals? Successful alternative structures should be able to keep small schools grants. The grants could have a sunset provision in the same way as merger incentives. (VSBA) 	<ul style="list-style-type: none"> FINANCIAL ASSISTANCE (see esp. "Instructions") is available for: <ul style="list-style-type: none"> Exploratory work (up to \$5,000 for consulting and legal services) Development of proposal for AS under Act 46, Sec. 9 as covered by these rules (up to \$10,000 for consulting and legal services and transitional costs) Development of a Proposal for an AS as a “Phase 2” merger under Acts 153 (2010) or 156 (2012) (up to \$20,000 for consulting and legal services) <ul style="list-style-type: none"> NOTE also that work done under failed merger is available for use w/ Sec. 9 Necessary DATA is available on the Agency’s School Governance / Guidance webpage. The same data/analysis is the foundation of both a study committee’s proposal to create a UUSD and a district’s self-evaluation, conversations, and proposal for an AS per Act 46, Sec. 9 This data is fundamental to a district’s self-evaluation, conversations with other districts, and proposal (either to create a UUSD or for an AS under Sec. 9) – the rules identify data that will be central to the district’s own analysis that determines the nature of its proposal The same data/analysis is the foundation of both a study committee’s proposal to create a UUSD and a district’s self-evaluation, conversations, and proposal for an AS per Act 46, Sec. 9. Sec. 9 requires nonmerging districts to present the proposal and for the Statewide Plan to take the proposal into consideration. Rules attempt to do so, based upon what data is available. Agreed. This is clarified in new 3422 Scope of Rules. This could only be changed by the Legislature.
Miscellaneous about Data	The other concern frequently raised was that too much information is required as part of an alternative structure proposal, and that the data required for inclusion in a proposal is not available to school boards from the Agency of Education. (VSBA)	<p>The same data/analysis is the foundation of both a study committee’s proposal to create a UUSD and a district’s self-evaluation, conversations, and proposal for an AS per Act 46, Sec. 9</p> <p>FINANCIAL ASSISTANCE (see esp. "Instructions") is available for:</p> <ul style="list-style-type: none"> Exploratory work (up to \$5,000 for consulting and legal services) Development of proposal for AS under Act 46, Sec. 9 as covered by these rules (up to \$10,000 for consulting and legal services and transitional costs) Development of a Proposal for an AS as a “Phase 2” merger under Acts 153 (2010) or 156 (2012) (up to \$20,000 for consulting and legal services) <ul style="list-style-type: none"> NOTE also that work done under failed merger is available for use w/ Sec. 9 <p>Necessary DATA is available on the Agency’s School Governance / Guidance webpage.</p>
3450.5	5 years of data is too much. 3 years should be sufficient. (VSBA; 12.20.16)	Revised to 3-5 throughout 3450 rules
3450.5(11)	REMOVE: 3450.5 (11(C) (i) & (ii) – 12) Reasoning: The numbers of students we tuition are reported to the state at the time of tuition. To place the burden back on a small school’s administrative staff to regather numbers that they have already reported is an ineffective use of the Administrators’ time and serves no purpose in the proposal. Similarly, what is the reason of asking this question of an Alternative Structure Proposal when it is not asked of a tuitioning preferred structure proposal. (DMA)	<p>All districts are required to conduct self-analysis, talk with other districts, and make a proposal – regardless of whether the proposal is for a UUSD or for an AS under Act 46, Sec. 9 (these rules).</p> <p>The listed data is fundamental to a district’s self-evaluation, conversations with other districts, and proposal (either to create a UUSD or for an AS under Sec. 9) – the rules identify what the State Board anticipates will be central to the district’s own analysis that determines the nature of its proposal.</p>
(same)	There is data required of private schools where tuition is paid, but this information is not available to the district because the private school will not disclose. (VSBA)	Clarified if is not information the sending district can access

Section / Topic	Public Comment – NOTE: ALL comments below are <i>directly quoted</i> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)	Response – NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD
3450.7(1)	Number of private meetings. How do school boards know when private meetings take place? (VSBA)	Deleted
3450.7	Remove requirement to supply length of meetings and participants. (VSBA)	Deleted private meetings.
3450.8	Direct references to the Act 46 law should be built into these rules showing what part of the Law the rules are based upon. For example, 3450.8 sections 4 onward, does the Law give a directive to require such information? (Perhaps include, also, the names of the Agency employees who are drafting these rules?) (DMA)	Reference is provided at the beginning of rule – listed data are some of the ways in which districts (regardless of whether are proposing merger or are proposing AS under Sec. 9) can perform the analysis required under Goals #1 and #2. Drafts of initial and potential rules prepared by Donna Russo-Savage, Principal Assistant to the Secretary for Education Governance, at request of State Board
(same)	3450.8 for student assessment, allow schools to use their own assessments <u>that are built to assess the common core and Vermont Standards</u> as well as or in place of standardized state-wide testing. Many small schools have developed assessment tools which should be respected <u>and may be the only tools available to the district for presentation. Simply because the assessment is not standardized should not make it invalid/unusable. Legislative action or clarification.</u> (DMA)	Clarified that listed data is not intended to be exclusive by adding new 3450.8(1)(D).
3450.8	Which items of data refer to schools operated by the district, and which refer to schools where district pays tuition? (VSBA)	Clarified
3450.8(1)	Information on assessments, and all protected student data should be removed. (VSBA)	These data are fundamental both to a study committee’s proposal to create a UUSD and to a district’s self-evaluation, conversations, and proposal for an AS per Act 46, Sec. 9. FERPA-related language, rewritten and moved to more prominent location, now states: “If demographic or other information cannot be made public without violating the Federal Educational Rights and Privacy Act (“FERPA”) or other federal or Vermont law, then data can be referenced in another manner – e.g., by multi-year aggregates.”
3450.8(1)(D) – English Proficiency	AOE: Data not readily available; delete	Deleted
3450.8(2)(C) and (3)(C)	Data on EQS standards has not yet been collected for 3 years. (VSBA)	Deleted
3450.8(3)	Definition needed for “breadth and depth of offerings.” (VSBA)	Examples added
3450.8(4)	Remove data that is not available from AOE, including current and historic data regarding secondary tuition students by grade and demographics. (VSBA)	Removed all data not available from Agency on School Governance / Guidance webpage or not readily available in district’s own files.
3450.8(4)(A)(i)	REMOVE 4(A)(i) Reasoning: The schools to which our district’s students apply do not inform the board or administration of all applications received but denied. (DMA)	Deleted
3450.8(5)	What does “non-traditional learning experience” mean? (VSBA)	Examples added
3450.8(5)-(13)	REMOVE: (5-13) Reasoning: Students in our district tuition to schools for grades we do not operate, and they select these schools with or without programming advice from school administrators based on their learning needs. Once a student is “tuitioned” to a non-operating grade outside of our district, the guidance for that student’s learning moves with it, and our district is not informed any further on the programming experiences of the student; therefore, it is impossible to provide the level of data being requested without having this data provided to our district by all schools to which our students of non-operating grades attend. While our district is familiar with the many program offerings of the	Clarified if is not information the tuitioning district would know

Section / Topic	Public Comment – NOTE: ALL comments below are <i>directly quoted</i> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)	Response – NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD
	schools to which our district’s students attend, we are not kept up to date with each student’s individual program experience or attendance. Nor is this information a realistic indicator of educational value at the primary level. Requiring these sections sets a District applying for Alternative Status up for failure because this info is difficult to obtain and of questionable value. (DMA)	
3450.8(7,8)	What is “elementary district of origin,” and how long does a student have to be enrolled there to trigger the requirement? (VSBA)	(7) – Provided examples (8) – Deleted (8) for other reasons (see below)
3450.8(8)	Post-secondary enrollment within 16 months of graduation should be removed. (VSBA)	Deleted
3450.8(8)	What is meant by career and college ready outcome? (VSBA)	Deleted
3450.8(9)	Percent of student assignments with licensed educators is not easily reportable. Our students attend around 15 different secondary schools. (VSBA)	Deleted
3450.8(10) <i>(Rev Draft: 3450.8(9))</i>	“Number of new teachers” may not accurately reflect turnover because new positions may be added. (VSBA)	Agreed. Districts should be clear about distinction when they are analyzing this aspect and including it in a proposal.
3450.8(13)	AOE: Not an indicator of ability to meet/exceed Goals; delete	Deleted; could be included in analysis if district believes it is relevant
3450.9	See 3440.5 and 3440.7 above (DK)	See comments to 3440.5 and 3440.7 above (DK)
(same)	5 years of data is too much. 3 years should be sufficient. (VSBA)	Revised to 3-5 throughout 3450 rules
3450.9(4)	Ratios should not be a main concern for finances. (VSBA)	Agreed. They are one item to be considered and are an item explicitly referenced in Act 46 in Goal #3
3450.9(9)	<p>3450.9 section 9 costs and what we are currently doing:</p> <p><u>Add:</u> sp. Ed costs are spread out in some SUs, this should be credited. If a District has, as part of an SU, been working toward SU-wide sharing of costs and resources, this reflects well on the District’s ability to proactively seek regional solutions.</p> <p><u>ADD:</u> Since financial incentives are being offered for Districts to merge, I would like to see Small School grants (or similar) remain with Districts successfully seeking Alternative Structures, most especially Districts which have explored and rejected mergers. The Grants could sunset in the same way that Merger incentives do, over the course of several years, but would allow a District which believes that the Alternative Structure is in the best interest of its children a time period to adjust to a new budget stricture. <u>Legislative action.</u></p> <p><u>ADD:</u> Trends in Special Education Costs within the district Reasoning: While much is being requested in terms of equalized pupil spending over a select amount of years for a district in this section, <u>nothing</u> in the draft rules proposal (or Act 46 overall) analyzes the cost of educating students with special needs from year to year. Enrollment of students with special needs, as well as the cost to educate them based on the need, changes from year to year and these trends should be analyzed to see how districts handle these fluctuating costs. An Alternative Structure Proposal that is placed in front of the state board of education could show a year without a large spike in Special Education costs. More needs to be done in this arena to help districts plan for unaccounted enrollment of students with special needs and more encouragement within Supervisory Unions should be taking place to have districts share in the cost of educating students with special needs so that dramatic fluctuations can be eased. All schools will benefit, merged or not.</p> <p><u>MODIFIED:</u> More clarity is needed around Student-to-Adult</p>	<p>Already incorporated as part of 3450.9(3)</p> <p>This could only be changed by the Legislature</p> <p>Added as new 3450.9(11)</p>

Section / Topic	Public Comment – NOTE: ALL comments below are <i>directly quoted</i> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)	Response – NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD
	Reasoning: Does the Student-to-Adult ratio factor in teachers, too? Is it simply Students: All Other Paid Personnel (ie minus teachers and administrators?) (DMA)	Already provided in 3450.9(4)(A)-(C) – structural differences among districts in the State make it difficult to create a common definition; if definition provided does not work within a district’s structure, then district should be clear about how it defined each in determining its ratios
3450.10	Who decides who is a Non-Proposing District (NPD)? (VSBA)	Clarified that it is as determined by the district making the proposal – although State Board may examine additional districts as well.
3450.12 (Rev Draft: included within 3450.10)	Remove requirements about neighboring districts. This information is not available via the AOE. (VSBA)	The information requested concerns the reasons the district(s) making the proposal determined that the neighboring district was not an appropriate partner. Included in revised form in 3450.10
General: Same Standards / Same Resources	<p>All proposals for merger should be held to the same standards – How would this proposal meet the goals of the law?</p> <p>It is important that these rules are in keeping with the intent of the law and are not regulatory over reach. To ensure this it is only fair to expect consistent evidence on how districts are meeting the goals of the law regardless of the structure that districts choose.</p> <p>If due to local demography and history a group of districts can come together and choose to form a preferred structure they reap benefits - access to financial resources to pay consultants and tax incentives are examples that are written into the law. This privileges the choice of this structure above the other options.</p> <p>If due to local demography, geography, history and local values, neighboring districts feel the best way for their region to meet the goals of the law is through an alternative proposal they do not have access to the same privileges.</p> <p>This creates an uneven playing field for districts and clearly differentiates the choices.</p> <p>These proposed rules heap additional requirements on districts who feel they can best meet the goals of the law through an alternative structure, requirements not required of preferred or conventional proposals, this seems to go beyond the law in regulatory over reach to further discriminate between districts and exacerbates the already uneven playing field.</p> <p>The rules proposed discriminate against all the districts statewide that have yet to hold a merger vote. Most specifically they impact the more rural parts of the state of Vermont with districts separated by distance and geography, as well as districts that have historically operated differently. For example there are districts in the NEK who (apart from Orleans Central, which rejected a preferred merger), do not easily form into preferred districts due to distance and anomalies of operation.</p> <p>A cursory look at preferred model proposals approved by the SBE illustrates this point dramatically.</p>	<p>All districts are required to conduct self-analysis, talk with other districts, and make a proposal – regardless of whether the proposal is for a UUSD or for an AS under Act 46, Sec. 9 (these rules).</p> <p>The listed data is fundamental to a district’s self-evaluation, conversations with other districts, and proposal (either to create a UUSD or for an AS under Sec. 9).</p> <p>The rules were prepared in response to statements from districts wishing to present proposals for an AS under Sec. 9 that they did not know the process under which proposals would be prepared or submitted or the manner in which they would be reviewed and evaluated.</p> <p>The rules identify what the State Board anticipates will be data that are central to every district’s own analysis that determines the nature of its proposal – i.e. whether it will be a proposal to merge into a UUSD or a proposal for an AS under Sec. 9.</p> <p>To make this demonstration, districts proposing to create a UUSD rely upon exactly the same sort of data that the proposed AS rules identify. See, e.g., the proposals of Addison NE SU (September 20, 2016 SBE meeting; Item J-1); Addison Rutland SU (January 17, 2017 SBE meeting; Item J-3); and Windsor Central SU (February 21, 2017 SBE meeting; Item G)</p> <p>FINANCIAL ASSISTANCE (see esp. "Instructions") is available for:</p> <ul style="list-style-type: none"> o Exploratory work (up to \$5,000 for consulting and legal services) o Development of proposal for AS under Act 46, Sec. 9 as covered by these rules (up to \$10,000 for consulting and legal services and transitional costs) o Development of a Proposal for an AS as a “Phase 2” merger under Acts 153 (2010) or 156 (2012) (up to \$20,000 for consulting and legal services) <ul style="list-style-type: none"> ▪ NOTE also that work done under failed merger is available for use w/ Sec. 9 <p>Necessary DATA is available on the Agency’s School Governance / Guidance webpage.</p>

Section / Topic	Public Comment – <i>NOTE: ALL comments below are directly quoted from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)</i>	Response – <i>NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD</i>
	<p>The level of evidence submitted is variable proposal-to-proposal and lacks consistency.</p> <p>The level of evidence is minimally related to how they will actually meet the goals of the law in practice. In many cases it is hypothetical.</p> <p>There is limited supporting evidence, certainly not the burden of proof being required by these rules.. Yet these proposals, written by consultants paid for by the implementation project have for the most part sailed through the SBE approval process. (MDML)</p>	
General: Same Standards / Same Resources	All merger proposals should be measured against ONE clear set of standards regardless of whether the proposals are for conventional mergers, preferred structures, or alternative structures. (DK)	Please see response immediately above
General: Same Standards / Same Resources	Sections 3450.5 through 3450.18 give us a comprehensive check list of data required for alternative structure proposals. Today we provide support, incentives and resources to preferred structures, but we put this burden on alternative structures. To ask a small handful of part time volunteers to put this material together without providing support or funding is unreasonable. Every district should have access to equal resources and be required to provide equal data. (DK)	Please see response immediately above
General: Same Standards / Same Resources	It seems that the Legislature meant for the Alternative Structure to be the second choice, behind the Preferred Structure mergers. My question is one of degree: did the Legislature mean for the Alternative to be so much harder to obtain and to defend, requiring some 50 or more pieces of information much of it difficult and burdensome to get and of questionable educational value, than any Preferred merger proposal? As a sitting member of a merger Study Committee, I have seen absolutely none of this extra information being amassed or discussed. In fact, in my Study Committee there has been precious little talk of educational matters or outcomes at all, and yet this Agency has accepted our Draft Articles with very little comment. (note – we are NOT the WSWSU Study Committee whose Articles were sent back forthwith for revisions). This discrepancy in the amount of information needed should be addressed by the Agency. (DMA)	Please see response above on page 11
General: Same Standards / Same Resources	<p>Both ‘preferred structures’ and ‘alternative structures’ must meet the 5 goals of Act 46:</p> <p>Goal # 1 – Educational Equity – no standard or definition</p> <p>Goal # 2 – Students meet or exceed Education Quality Standards</p> <p>Goal # 3 – Maximize operational efficiencies through flexibility – no standard or definition</p> <p>Goal # 4 – Transparency and accountability – since all boards in VT are bound by the ‘open meeting’ statutes transparency is fairly clear – not so for the accountability part.</p> <p>Goal # 5 – Cost – no standard</p> <p>Since the goals are the same for all, the rules to meet those must be the same. As any educator knows, it is very difficult if not impossible to measure who met what goals without standards to guide the review.</p> <p>I believe the best way to authenticate a proposed structure of any sort is to measure it against some common goals and standards.</p> <p>Insisting on a separate set of rules is unnecessary and appears to require an inordinate amount of work so as to discourage any entity that wishes to design a structure other than the ‘preferred’.</p>	Please see response above on page 11

Section / Topic	Public Comment – NOTE: ALL comments below are <i>directly quoted</i> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)	Response – NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD
	I expect this body to take these comments today and those sent by mail seriously – too often I find that those in control of these hearings treat them as pro forma hearings with no intention of considering well written definitive suggestions. (DN)	
General: Same Standards / Same Resources	<p>I am writing concerning the proposed rules for Alternative Structures, which I find onerous and unfair to the local communities who are trying to give their students the best education possible. This is hard today with so many social pressures on schools, so many unfunded Federal and State mandates and so many increased costs well beyond boards' control. Our children's education is the most important legacy we can give today's world. It is not a widget on the market or something that we can put a price tag on.</p> <p>I have read the proposed rules for Alternative Structures and find them to be very unfair for those communities who would not like to merge in a manner directed by the state. They are very obviously being proposed to force communities to fall into line in a one size fits all box. Vermonters have always prided themselves on their independence. What is happening today is not the Vermont my ancestors envisioned in the 1700's. Some questions:</p> <ul style="list-style-type: none"> * Why are these proposed rules so much more onerous than those rules for the “preferred” model? * Why does the board want to put all students in one box? * Why not decrease number of Superintendents and their staffs? This is where real money is spent. * Why are you trying to get rid of local school boards who look out for the best interest for their children and do their jobs for peanuts? Oh, I forgot, the VSBA, the Principals Association and the Superintendents Association are strong lobbyist. We, the people don't have anyone to lobby for us. (JN) 	Please see response above on page 11
Simplify / Shorten / Reduce Hoops	I ask the Board to simplify and shorten the draft Alternative Governance rules so that the hoops that a consolidation committee need jump through to present Alternative Governance proposals to the Board of Education and voters are no greater than the hoops required to present a full merger agreement. The data required in the draft rules is especially burdensome and stifles creative ideas for achieving the goals of Act 46. (DM)	Revisions made throughout in response. Please see response above on page 11.
General: Same Standards / Same Resources	<p>I urge you to be clear and consistent with the evidence you request and not exacerbate an already uneven playing field. The questions to ask are simple:-</p> <p>How do districts choose to merge to meet the goals of the law?</p> <p>What evidence is needed by the SBE to adequately demonstrate this?</p> <p>If the SBE feels that all the items listed under <i>A proposal for an Alternative Structure shall include (p9)</i> which outlines <u>8 pages of additional requirements</u>, is genuinely what is needed to make a case for meeting the goals of the law, then these 8 pages of requirements should be required of every merger proposal.</p> <p>One clear set of requirements should be developed which all proposals are held accountable for regardless of if the proposal is for a preferred, conventional or alternative structure. Remember preferred proposals are already advantaged and reap privileges including tax incentives. Alternative proposals do not have the access to grant funds or consultants to write their proposals, writing them</p>	Please see response above on page 11.

Section / Topic	Public Comment – <i>NOTE: ALL comments below are <u>directly quoted</u> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)</i>	Response – <i>NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD</i>
	<p>will take valuable time away from educating children from busy superintendents and staff.</p> <p>One clear set of requirements would make it easier for the SBE, who would be using one set of criteria for proposal approval, not discriminatory, by asking for a different burden of proof based on the kind of proposal they are reviewing.</p> <p>One clear set of requirements would make it easier for districts and the hard working school board members who are grappling with how best to meet the goals of the law, as the process of deciding the best approach would be utilizing the same set of evidence. The approach best suited to meeting the goals of the law would be clearly clarified through evidence not personal preference or bias.</p> <p>Finally as the evidence would be the basis for the option they chose rather than the incentives or mere compliance the proposed outcomes would be more likely to mirror the goals of the law and result in more effective alignment with the outcomes intended by the legislature.</p> <p>It would perhaps most importantly send the message that the goals are the target not compliance with the rules and do much to dispel the skepticism evident throughout the rural parts of the state to the law itself and the belief that the current process is biased or rigged. (MDML)</p>	
3460 Incorporation by Reference	Delete. The July 29 document retains too many of the objectionable elements that must be excised from Rule 3400 in order to make it usable and effective. Retire it. (ST #1)	Deleted
Deference to proposals for alternative structures	Our Vermont school boards are made up of some of the most civic minded and capable people in Vermont. We are dedicated to our communities and our schools. If we are willing to forego all the incentives of a preferred structure I urge you to give great deference to our proposals. (DK)	<p>State Board recognizes and respects dedication of school board members.</p> <p><i>[No specific action requested re: rules and none taken]</i></p>
Tax Rate Reductions / Small School Grants / etc.	<p>When Act 46 legislation was put into effect, the goals of the Act were clearly spelled out: To provide greater educational opportunities for all students; and to lower the costs of education bringing relief to taxpayers.</p> <p>The Law, however, contained a mixed message: On the one hand, there was offered a 'preferred model' which districts were encouraged to follow in designing their reorganization toward a consolidated district. On the other hand, it also provided language and intent for school districts (like ours) that were doing well could be left alone to achieve these goals in their own way or through the use of an Alternative Governance Structure, defined in the law as:</p> <p><i>(c) Alternative structure: supervisory union member districts. An Education District as envisioned in subsection (b) of this section may not be possible or the best model to achieve Vermont’s education goals in all regions of the State. In such situations, a supervisory union composed of multiple member districts, each with its separate school board, can meet the State’s goals, particularly if: (1) the member districts consider themselves to be collectively responsible for the education of all prekindergarten through grade 12 students residing in the supervisory union; (2) the supervisory union 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; (3) 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 (4) the combined average daily membership of all member districts is not less than 1,100.)</i></p>	<p>This can only be changed by the Legislature.</p> <p><i>[No specific action requested re: rules and none taken]</i></p>

Section / Topic	Public Comment – NOTE: ALL comments below are <i>directly quoted</i> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)	Response – NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD
	Tax incentives were offered to towns that chose to adopt the 'Preferred' model. Tax rates would be reduced over 5 years if towns met an early deadline. Small school grants would be retained and large 'transition grants' would be given to help with this reorganization. Money was dangled...and the real objectives of the law suddenly seemed blurred. Some towns pouncedmany did not. (RV)	
Act 46 Options / Activity in Commentator’s Region	<p>The Law offered other options as well...Side-by-Side mergers...Regional Educational Districts. (REDS) and seemingly in small print, something called an <u>Alternative Governance Structure</u>. The intent here was to allow districts that could not or did not want to merge, to create their own version of how to best meet the proposed goals of the Act.</p> <p>Unfortunately, this particular option seems to have been more of an 'after thought' by the Agency of Education which wrote the law. Rather than openly encouraging the use of this option, some agency-endorsed consultants hired to help study committees work toward the best option for them, adamantly opposed even exploring this option. Rather a greater emphasis was placed on using the Preferred Model and in many towns, including ours, this option has been the sole focus of our Study Committee's interest and discussions. This has led to a 4 town merger proposal which will be voted upon in March. (RV)</p>	[No specific action requested re: rules and none taken]
Activity in Commentator’s Region / Use of Consultant	<p>I am chair of the Westminster Town School Board. I also was a member of the Windham Northeast Consolidation Committee until I resigned in frustration in September. The year of deliberations felt to me like a one track process where any study of options beyond "preferred mergers" were discouraged as being outside the committee's charter. We were told we would lose our consultant if we discussed alternative governance proposals.</p> <p>I ask the Board of Education to make it acceptable and easier to discuss Alternative Governance ideas at the consolidation committee level. Committees should be able to have this discussion without the risk of losing their Act 46 consultant. (DM)</p>	<p>Study committees and individual districts hire consultants either through the “Act 46 Implementation Project” (a joint project of the VSA/VSBA/VSBIT – not the Agency) or on an “at-large” basis.</p> <p>The Agency does not offer the services of consultants to be hired by local entities, nor does the Agency oversee these consultants.</p> <p>Rather, the Agency provides information regarding all options available under current law to any board, committee, or individual – including consultants hired by a district or study committee -- who request assistance.</p> <p>The Agency administers payment of grant funds for consulting and legal services.</p>
Analysis of Current System	<p>My goal for writing is to ask the State and it's Education Boards to pause, step back and take a good close look at our goals for the best education we can have. This is the beginning of the biennium. We have time. Changing our governance structures should not be rushed into. It is something that should be thoroughly studied, not just in one year. All the stakeholders, including teachers, parents, community members and yes, even the students should be involved. Most of the goals of Act 46 are admirable. I do not believe that anyone is arguing against them. What is appalling is the heavy handed, top down, one size fits all approach that has been happening all over the state this past year and half.</p> <p>I would like to see the following:</p> <ul style="list-style-type: none"> * Do a careful and comprehensive study of all of the schools in the state * Keep the Goals of Act 46 which I do not believe anyone is challenging. * Honor schools who are achieving these goals. * Celebrate creativity, individuality and community involvement as well as test scores. * Make it known that Vermont will strive to graduate educated, caring and involved citizens for a 	<p>The Agency and State Board are charged with implementing and acting under the law as it is currently written.</p> <p>Requested changes can be addressed only by the Legislature.</p>

Section / Topic	Public Comment – NOTE: ALL comments below are <i>directly quoted</i> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)	Response – NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD
	<p>better future for Vermont, our Country and the World.</p> <ul style="list-style-type: none"> * As to schools who are not faring well, or not meeting the goals, help them financially, educationally and emotionally. Coach, not force. * I challenge you to fairly define “equity” that will not make students “plain vanilla”. Children, like the rest of us are not alike. We need to celebrate differences and creativity. Every child is an individual with his/her own unique qualities. * Realize that the best ways to create these results is locally. We are not looking for educational factories. <p>I am asking you as the State Board of Education and The Agency of Education to please stop wasting your time and the State's money with these unfair and overpowering rules. I would also like to ask you to allow freedom for local communities to meet these State goals and design educational systems that best work for their local communities. Our local school boards really do know what is best for our children. (JN)</p>	
Opposition to Preferred Model	<p>Many people around the state oppose this kind of Preferred Model merger for many reasons, not the least of which in our area, are these:</p> <ul style="list-style-type: none"> - Merging would mean the loss of local control, local voice and program and budget transparency. - Merging would mean giving up our local assets.(our school and athletic fields. - Merging would mean giving over all decision-making to a smaller (in number), less representative board which would have greater authority and responsibility. - As has happened in other school districts,(MA, S.D.,OK, WVA, VT and Maine)-administrative cost would likely rise. - The fear that such a merger is simply the first step in consolidation of the Districts, but ultimately, the consolidation of elementary and middle schools. - A fear that, after 5 years, towns would not have a voice in whether or not their school should be closed. - A fear that after the proposed tax incentives disappear, property taxes would eventually increase along with increasing program and administrative costs. - A very positive feeling that within our existing supervisory union structure which has worked well over the years, should be able to implement modifications that would allow us to continue with the progress we have made in cutting costs and providing greater program equity while achieving greater educational outcomes than those of the larger school districts. - The lasting fear that once merged....for better or worse, we would not be able to leave. (RV) 	[No specific action requested re: rules and none taken]
Exploration of All Options	<p>It seems now more than ever there is a move by the AOE and the SBE...rather than 'open the door' to more opportunities for towns to create their own path to meeting the goals of Act 46, they are 'tightening the reins' on any attempt by towns to stray outside of their 'one size fits all' Preferred Model approach. That now, more rules are being written to make it even more difficult to employ the use of the AGS strikes me and many others across the state, as violating not only the spirit, but the intent of the law. To discourage school district study committees from exploring ALL options in creating a plan that is the best fit for all children in each town seems contrary to the ethic and independence of who we are and how we choose to educate our children. (RV)</p>	Please see responses provided above on pages 11 and 15
Act 46	<p>Act 46 as a legislative project is truly clad in irony. For a law that was intended to bring efficiency, equality and cost savings it seems to be offering none of the above. Steven Morse, the outgoing chair</p>	[No specific action requested re: rules and none taken]

Section / Topic	Public Comment – <i>NOTE: ALL comments below are <u>directly quoted</u> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)</i>	Response – <i>NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD</i>
	<p>of the Vermont Board of Education, has called Act 46 a great success. Like George W. Bush’s famous “mission accomplished” banner this statement could be highly premature.</p> <p>The Vermont school districts that had easy paths to adopt mergers were able to do so quickly with financial rewards essentially paid for by the districts who faced more serious challenges and conflicts. In education we aspire to offer the greater rewards the students who have overcome the greatest challenges. In Act 46 it is the most difficult challenges that are given the smallest rewards and threatened with the biggest stick.</p> <p>Highly ironic in that Act 46 is supposed to improve public education in Vermont.</p> <p>Act 46 is supposed to streamline governance by reducing the number of volunteer school board members putting in time to improve the local schools to which they are intensely loyal. And now, without reducing any jobs at the highest paid superintendent level, we are now being told to lower our expectations about cost savings. How will a single nine-member board ever replace the oversight that **** school board members have traditionally brought to our schools at a very low cost.</p> <p>I fear that the only cost cutting will come from public backlash expressed through Australian ballots that need not be linked to any actual discussion or examination of the school budgets. A voter who is used to supporting their single town school budget because they know their community will have a much easier time rejecting a 50 million four-town pre-Kindergarten to grade 12 budget because it is just “too much money.”</p> <p>A number of statewide commentators have called Act 46 an administrative power grab by the most highly positioned educational leaders in the state.</p> <p>This was not a grass roots effort - it was a legislative initiative highly influenced by lobbyists for the state superintendents associations, the State Board of Education and the Vermont Agency of Education (AOE).</p> <p>The recent process for hiring a new superintendent in this SU is not a good indication of how our current administration views public involvement.</p> <p>Equity of opportunity is a slogan if it is not accompanied by a specific list of the current inequities in our supervisory union and a clear explanation of the changes that will address them. Are we adopting a new way to run our schools because it “sounds good” or because it represents a real strategy for improvement. I think we always instruct our students to adopt the real strategy over what sounds good. Ironic, yet again.</p> <p>The Act 46 Study Committee could actually hold hearings on how a shift from a five-town model to a single district model has affected the delivery of special education services. This change occurred without much fanfare over the last few years and has resulted in a number of changes in how special education services and staff are managed. Why not have a forum where staff, families and administrators could weigh in on these changes. So far we have only been told that “*****.”</p>	

Section / Topic	Public Comment – NOTE: ALL comments below are <i>directly quoted</i> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)	Response – NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD
	<p>Take a look at the process we have used to examine and vote on the current BUHS budget - a single five-town meeting that brings in about **% of eligible voters. This is the process that is coming to pre-Kindergarten to grade 12 education in our area with Act 46. The recent vote on the position of Vernon in our current supervisory union and in the proposed merger brought out about 3% of eligible voters. The number one viewpoint I heard expressed was, “I don’t understand it.” Although there are countless Act 46 public meetings to attend and uncountable hours of BCTV footage to review we are still left with a process that is confusing, goals that are not clearly defined and a legal process that seems to run counter to highly cherished Vermont values of local involvement. Ironic.</p> <p>I hope that the Act 46 study group will take the recent vote as a hint that the public is not engaged or fully informed about these significant changes being pushed upon us. Buyers remorse can be a very bad feeling when cost paid for the new item can never be recovered. Brattleboro Town Meeting Representatives should be aware that they may never be asked as a body to review and approve another Brattleboro town school budget. (AD)</p>	
Alternative structures should have incentives too	One final note.....Districts that choose to take advantage of this option and can demonstrate a sustainable model for meeting the educational and cost saving goals of Act 46, should not be, in effect, 'punished' for choosing this alternative path....they should be incentivized in the same way as every other model option....by giving tax incentive relief, maintaining their small school grants and be given the opportunity for the awarding of transitional grants to carry out their work (RV)	Requested changes can be addressed only by the Legislature.
General	<p>“The harsh line taken against non-preferred structures in Rule 34000 is absent from Act 46.” The proposed rules demonstrate “palpable animosity.” (ST #1)</p> <p>Rule 3400 picks yet another wasteful and unnecessary fight.</p> <p>I know you’ve been following the news: an admirable memo came out of here barely a month ago calling for tolerance and protection of vulnerable students at our schools. So it can’t have escaped your notice that the next four years are unlikely to be a Golden Age for public education.</p> <p>We need each other’s help. The prestige and organization of state government united to the raw energy, intelligence, and - crucially – the <u>realism</u> of the grass roots make for a powerful combination that can do a lot of good.</p> <p>So I propose that you, dear Agency and Board, lay down your instruments of coercion and give the old-time consolidation religion a good long rest. Then we for our part can set aside our torches and pitchforks and join together with you to meet not only the challenges that are certain to come our way, but also the present dangers that threaten education in Vermont.</p> <p>As the weaponized data requirements of pp. 9-18 [proposed Rules _____] make plain, the power to demand is the power to destroy. Rule 3400’s requirements would strangle most alternative proposals in the cradle – which is the whole idea, of course.</p>	Rules revised throughout.

Section / Topic	Public Comment – <i>NOTE: ALL comments below are <u>directly quoted</u> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)</i>	Response – <i>NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD</i>
	<p>The power to demand is also familiar to us as the power to issue unfunded mandates. These mandates also destroy. What they destroy is our schools, slowly, by degrees, choking them with their own administrative apparatus. This may not be the mandates’ intent, but it is clearly their effect.</p> <p>We are on track to manage and monitor our education system to death.</p> <p>Meanwhile our damaged system brings forth its damaged fruit. Though I believe there is no higher calling than to heal a wounded child, schools cannot do this singlehandedly. Nor can they make this their primary mission. Schools can only take on such a task under the umbrella of a comprehensive social and economic policy, or else schools will not save society; society will crush our schools.</p> <p>There. A couple of places to start: unfunded mandates and special education – the highest cost, fastest growing items in my school’s budget, and the heaviest drag on the administrators’ ability to do much of anything.</p> <p>So let’s get with it, leave pointless power struggles behind, and forge a strong alliance to defend and advance the cause of education in Vermont. (ST #2)</p>	
Multi-Tiered or Scaled Approach	<p>Please consider a tiered (or multi step approach) to the self evaluation/waiver process to avoid unnecessary work for boards and administration and for the state government.</p> <p>There could be some initial parameters or thresholds that are clear and fair to efficiently assess the schools/districts that are highly functioning and therefore may not need to go through a year long process to understand if they are eligible for the waiver.</p> <p>These could include a minimum requirement to avoid the deep dive process if you can demonstrate:</p> <ul style="list-style-type: none"> • Current targeted areas for consolidated spends and shared resources and within a Supervisory Union are already happening (IT, curriculum, health care, etc) • School rankings and school portfolio’s that demonstrate highly functioning schools • Average spend per pupil, creating a <i>reasonable</i> threshold for small schools already working efficiently. <p>I’m sure there are several more to add, but the general idea is to provide a scaled approach to the process. As many within the administration have recognized, Act 46 does not work for all districts and the one size fits all approach does not work. This is likely true for the waiver process as well. (MF)</p>	<p>Please see response above on page 11.</p> <p>A decision whether to propose creation of a UUSD or to propose an AS under Act 46, Sec. 9 should arise out of the same level of self-analysis and regional conversations.</p> <p>The analysis and/or the decision regarding the type of proposal will be more or less complex in various regions of the State depending upon, e.g., the prevalence of districts with like or unlike operating and tuitioning structures.</p> <p>Specific suggestions and requested changes for a scaled approach can be addressed only by the Legislature.</p>
Legislative Intent and Cost Reduction	<p>The Board of Education has greatly exceeded the legislative intent of Act 46 with regard to the creation of the proposed Alternative Structure rules. These proposed rules make it nearly impossible for a supervisory union in the state to operate under an alternative structure. Propose Rule 3400 does not provide school districts, supervisory unions and school boards with a road map on how to successfully implement an alternative structure. Rather, it creates as many road blocks as possible to an alternative structure by adding requirements not specifically identified by the</p>	

Section / Topic	Public Comment – NOTE: ALL comments below are <i>directly quoted</i> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)	Response – NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD
	<p>legislature in the statute. These proposed rules are as favorable to alternative structures as President-elect Trump's famous proposed wall is to Mexican immigration.</p> <p>I know you have received many comments--so I will focus on just two points: (1) the clear legislative intent was to allow for alternative structures: and (2) the proposed rules lacks substantive guidance one of the most important goals of Act 46; the legislation was designed to encourage and support local decisions that are delivered at a cost that parents, voters and taxpayers value. For school districts that want local control to continue and that are part of supervisory unions that have already wrung virtually all cost savings, the goal of cost savings from a merger is a mirage. Why is the rule silent on how you treat supervisory unions that have already obtain the vast majority of savings through operational efficiency and for whom a merger will never meet this stated legislative goal? How is a forced merger supporting "local decisions"? (JP) (continued below)</p>	<p>The rules identify what the State Board anticipates will be data that are central to every district's own analysis that determines the nature of its proposal – i.e. whether it will be a proposal to merge into a UUSD or a proposal for an AS under Sec. 9.</p> <p>The data identified are not considered to be exclusive of the elements that a district or group of districts will consider.</p> <p>See, e.g., 3450.9(1), (2), (3), and (11) for examples of identified data concerning existing efficiencies.</p>
(continued)	<p>1. <u>Legislative Intent</u></p> <p>I respectfully request that the Board of Education (BOE) stops substituting its personal policy goals, desires and political biases with the clear legislative intent of Act 46 through the creation of rules. Our legislature is made up of our elected representatives, you are appointed officials not subject to the democratic process of removal by voters. The proposed rules make it virtually impossible for supervisory unions to ever operate under alternative structures. The BOE has gone well beyond the legislative intent with the proposal of these rules. As William Talbott, deputy secretary of the Agency of Education stated in August 2015 "The Legislature recognized that the state board should recognize that we still may have some supervisory unions when you're done, which is multiple districts organized under one superintendent's office...So you don't always have to have everyone weaved into one district" (source: https://vtdigger.org/2015/08/18/board-of-education-discusses-alternative-structure-for-school-district-mergers/). Yet these proposed rules make alternative structures a virtual impossibility.</p> <p>Act 46 makes it quite clear in section 5 (c) that "An Education District as envisioned in subsection (b) of this section <i>may not be possible or the best model to achieve Vermont's goals</i> in all regions of the State." I would note this means all of five of the goals listed in the statute must be met--not just the ones that the AOE and BOE think are most important. The statute did not say some of the goals were more important or most important--they are all equally important and all must be met. As a securities lawyer for more than 20 years, I can tell you that statutory construction and language matter. I have highlighted to word "or" in that sentence. The statute make is clear that only one prong of this test needs to be met. The "best" test or the "not possible" test. Words have meaning. The word "best" is defined as "of the most excellent, effective, or desirable type or quality." Does this mean "best" to the BOE and AOE or best to the voting citizens of the school district and their elected school board? Some think Donald Trump is "best" for President and others would choose Hillary Clinton. What is best is subjective not an objective measure and the will of the local school district voters and taxpayers should count for something in this process. How is this law supporting "local decisions" if the will of the AOE and BOE always supersedes the will off local citizens? The phrase "not possible" means that something is not "able to be done; within the power or capacity of someone or something." So if the local citizens oppose the consolidation is it "not possible"?</p>	<p>Rules revised throughout to present precisely what the legislation states and to which districts, the Agency, and State Board are required to adhere.</p> <p>Rules are also revised to clarify that a decision to propose creation of a UUSD or to propose an AS under Act 46, Sec. 9 is the outcome of exactly the same analysis.</p>

Section / Topic	Public Comment – <i>NOTE: ALL comments below are <u>directly quoted</u> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)</i>	Response – <i>NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD</i>
	<p>To this word soup in Section 3440.3(3)(A) the BOE gratuitously added the following language which is not in the statute: "<i>Stated another way, that a Preferred Structure is not "possible or practicable" in the Region.</i>" Why are you substituting clear legislative language with this bracketed language in the rule? Practicable is defined as "able to be done or put into practice successfully." The legislature gave us a best method, best means and not possible standard--but it never created a practicable standard. Why are you substituting legislative intent and language with your own totally different test and a clearly harder to meet standard? Please do not substitute your intent and language with our elective legislators' language and intent.</p> <p>Never in the rule do you clearly identify the types of facts that would make something not best or not possible. For example if local school districts vote, in an overwhelming majority, against the Preferred Structure--is that "not possible"? If the result of a merger is a reduction or material change in funding from the U.S. Department of Education in Title I funding to a school district as a result of consolidation or if a Preferred Structure results in tax increases for a school district rather than cost containment--are these arguments in support of not being the best method or best means? If merging two school districts results in a material reduction in the educational quality of one school district (as measured by assessments) is that not a best method? Or does equality of opportunity literally mean equality of educational outcomes? Must all schools have middling performance results or can some be exceptional? What happens if a school district expects a material reduction in property values and a decrease in the number of families with children moving into the town due to the reduction in the quality of assessment outcomes in a Preferred Structure? Is it a "best method" to hurt the resale value of property? Your failure to even define the types of facts that could lead one to a conclusion that a Preferred Structure is not the best or not possible is disturbing. The reason for this failure is that the BOE appears to have already determined that all school districts should be forced into the Preferred Structure with the cold efficiency usually reserved for autocratic states as opposed to democracies.</p>	<p>Phrase removed in revised rules.</p> <p>No one fact or set of facts is determinative because Act 46 requires districts to evaluate themselves and have regional conversations under all five of the identified educational and fiscal goals. The proposed rules identify data that is fundamental to that analysis – but is not intended to be an exclusive list. The analysis of every district, group of districts, and region will be different .</p>
	<p>The Secretary of Education in an opinion piece written in April of this year stated: "What has changed under Act 46 is that all districts are being challenged to evaluate whether they are providing high-quality education in an equitable way, at a price they can afford in the context of Vermont's aging population, declining enrollment and increasing costs." (source: https://vtdigger.org/2016/04/12/holcombe-only-the-voters-decide/) Does this mean that a school district that is providing high quality education, that is affordable and low cost relative to other school districts in the state and does not face declining enrollments or increasing costs must be forced into a Preferred Structure only because its student outcomes (as measured by assessment exams) are better than another school district in its supervisory union and therefore does not meet the Secretary's or the BOE's non-statutory view of "education in an equitable way" which apparently means equality of outcome not equality of opportunity?</p> <p>The Agency of Education is also publicly adding new definitions in public discourse to the legislation. For example the following language in the VT Digger in August 2016 is disturbing: "One thing the legislation did make clear is that the alternative structure is an exception and only followed in certain situations where it is the best or <i>only option</i> in the area," said Donna Russo-Savage, who</p>	<p>Please see responses above.</p> <p>Rules revised throughout to present precisely what the legislation states and to which districts, the Agency, and State Board are required to adhere.</p>

Section / Topic	Public Comment – <i>NOTE: ALL comments below are <u>directly quoted</u> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)</i>	Response – <i>NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD</i>
	<p>handles Act 46 plans for the Agency of Education. During her explanation of the draft rules to the board, Russo-Savage also said alternative structures should be <i>“the final option”</i> and <i>“the best or only alternative.”</i> (source: https://vtdigger.org/2016/08/25/education-boards-move-on-act-46-exceptions-finds-resistance/). Nowhere in the law does it say the an Alternative Structure must be "the best and <u>only</u> alternative." This language show the bias of the AOE with regard to the creation of this rule. Basically the Preferred Structure must always win--and the Alternative Structure must always lose. Nowhere does does the law say that the Alternative Structure must be the "only" option. Only means "and no one or nothing more besides; solely or exclusively." Only is not that same as "best" or "not possible". I am concerned that the AOE like the BOE is creating terms and applying rules that are clearly absent from the statute. Please refrain from using anything other than the legislative language and the legislative intent in rules and in public statements. (JP) <i>(continued below)</i></p>	
(continued)	<p><u>2. Cost Reduction</u></p> <p>It is almost as though the BOE has forgotten the reason why Act 46 was created and passed. After many school districts voted down their school budgets, the legislature proposed this bill to reduce education costs and to increase the quality of education. Somewhere along the way, the cost reduction aspect of this bill was forgotten by the BOE. The BOE does not appear to support local decisions that are "delivered at a cost that parents, voters and taxpayers value".</p> <p>The Chairman of the Board of Education made it clear in November what he really thought of cost reduction and its importance with regard to school district consolidation. Chairman Stephan Morse's perspective on how unimportant cost reduction is was noted as follows: "There have been grumblings, too, about Act 46 not having much impact on education spending. The state’s increasing education tax burden had been cited as one reason to pursue school governance changes. Instead, Morse said the state board is seeing merger plans that lead to annual savings between \$100,000 and \$300,000. <i>“As it turns out ... many of the mergers’ most immediate savings have already been realized under the current system where the supervisory unions have already brought things together, coordinating services, bulk purchasing, etc.”</i> he said. But overall, Morse — who is slated to leave his post at the end of February — said the state is headed in the right direction. <i>From the state board’s point of view, he said, “this major legislation is all about providing equitable education” — not saving money.</i> “We need a system that assures us that every Vermont student has the same educational opportunities whether you live in a small mountain town or you live in a large Vermont city,” Morse said. “With larger districts, more equitable education will be available for all the students.”" (Source: https://vtdigger.org/2016/11/29/education-board-chair-hails-huge-success-act-46/)</p> <p>Sadly, the BOE Chair has substituted his judgment (Act 46 is just about equitable education) for the clear legislative intent and language of Act 46 (its also critically about saving taxpayers money). I hope other members of the BOE find this as disturbing as I do. The statute makes it clear that saving money is as important (an was perhaps the most important thing to many legislators who voted for Act 46) as equitable education. Please leave your personal political bias out of the rule making process.</p>	<p>Financial elements are among the five Goals identified in Act 46 and listed data in rules are some of the ways in which these fiscal elements can be analyzed.</p> <p><i>[No specific action requested re: rules and none taken]</i></p>

Section / Topic	Public Comment – <i>NOTE: ALL comments below are <u>directly quoted</u> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)</i>	Response – <i>NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD</i>
	<p>A clear path for Alternative Structure must be set out for supervisory unions that have already wrung out virtually all of the cost savings possible already under the current system. The fact that the implementation of Act 46 is no longer viewed as a tax payer cost saving exercise by the BOE should trouble all Vermont citizens. If no material cost savings are possible under the Preferred Structure school districts should automatically be given a clear path to an Alternative Structure. To do otherwise is to ignore a clearly defined legislative goal. If there are no savings from consolidation then the legislative goal of having education "delivered at a cost that parents, voters and taxpayers value" has not been met and therefore an alternative structure should be allowed. If one of the five legislative goals is not being met, how can consolidation automatically be the best means and best method? It is disturbing that the BOE chair believes he can write one of the five legislative goals out of this process.</p> <p>As Tom Pelham noted in an opinion piece in September 2015: "school districts that decide to preserve their local school and are effectively managed and have no inherent need for consolidation...The distribution of school districts by size is not a determinant of student academic outcomes. Anecdotal examples of solid student outcomes at large districts must be acknowledged but so must examples of weak student outcomes at large school districts. In the end, on an overall basis, school district size is not a determinant of student outcomes when viewed across the entire population of Vermont's school districts...NECAP test scores appear unrelated to both school district ADM and Equalized Pupil counts except for a possible very slight relationship for 11th grade math...NECAP test scores appear unrelated to levels of total spending per pupil, whether ADM or Equalized Pupils...Further, large school districts are not necessarily better managed. Just look at the largest school district in the state, the Burlington school district, to find an expensive per pupil district (\$20,124 per pupil), running large operational deficits and struggling to hire a new school superintendent because of poorly researched work visa requirements". (source: https://vtdigger.org/2015/09/15/tom-pelham-act-46-is-not-a-solution/)</p> <p>I could not agree more with his views that these rules, as proposed, conclude that our educational quality standards can only be met and exceeded by large school districts. I live in a school district that has proven this to be a falsehood for the eight academic years that my children have been enrolled in its primary and secondary schools--and it is a growing not a shrinking school. Why is it growing, parents are voting with their feet and moving to our school district for its excellent schools. Why must this change? Because we are 15-20% lower than the magic 900 student number? How incredibly arbitrary. The rules if implemented as drafted will not be in the best interests of many of the students in our state and will likely have perverse and unintended consequences that will end up reducing the quality of education for many students in our state. These draft rules have critical flaws that must be addressed. (JP)</p>	
General	<p>Countless Vermonters have expressed concerns to me regarding Act 46 and how the law will impact their local schools and their local identities. Act 46 has initiated the start of much-needed reform in Vermont's education system; however, many feel the proposed rules around alternative structures are too rigid. This is compounded with a fear that the potential response, should the State Board of Education not approve a proposal, from the Agency of Education Secretary would circumvent Vermont's long traditions of local control.. I encourage the Board to revisit the intent of the law and</p>	<p>Revisions attempt to clarify and simplify rules and to demonstrate ways in which the self-examination and regional conversations that Act 46 requires all districts to take can result in either a proposal to create a UUSD or a proposal for an AS under Act 46, Sec. 9. Please also see response on page 11 above.</p> <p>Each written and verbal comment submitted is quoted in this document and a response is provided to each.</p>

Section / Topic	Public Comment – NOTE: ALL comments below are <i>directly quoted</i> from written public comments or from written versions of testimony provided by the individual * giving it (emphasis is in the original)	Response – NOTE: Comments below use following abbreviations: “Alternative Structure” = AS “Unified Union School District” = UUSD
	undergo robust stakeholder and public hearing processes. This public hearing process is a good start and I hope you will carefully consider the feedback you receive. (PBS)	

*** Comments and/or Written Testimony from:**

AD = Andy Davis, Brattleboro; 12.20.16

DK = David Kelley, Craftsbury Common; 12.12.16

DM = David Major, Westminster; 12.12.16

DMA = Dan MacArthur, Marlboro; 12.12.16

DN = Dorothy Naylor, Calais; 12.12.16

HES = Heidi E. Scheuermann, Stowe; 12.20.16

JN = Jody Normandeau, Dummerston; 12.18.16

JP = John Pelletier, Stowe; 12.20.16

MDML = Margaret D. MacLean, Peacham; 12.12.16

MF = Marchelle Falcone, Stowe; 12.13.16

PBS = Philip B. Scott, then Governor-Elect; 12.20.2016

RV – Richard Virkstis, Dummerston; 12.12.16

ST = Scott Thompson, Calais (#1 is written comment dated 11.14.16; #2 is written testimony from 12.12.16) **[MORE ON NEXT PAGE]**

VSBA = 32 school board members who responded to the VSBA’s request for comments; 12.20.16 “This fall at our annual regional meetings, the VSBA invited school board members to share input on Draft Rule 3400 on Alternative Structures under Act 46. ... The form that the VSBA distributed in-person and online asked board members to provide their name, email, school district and status of Act 46 work to date. The form gave space for the board members’ open-ended answers regarding what should be added, removed or clarified in the rules for submitting an alternative structure proposal. In total, 32 school board members completed the form. Twenty-one were from districts that operate all grades; eleven were from districts that operate some grades and tuition others. We received no responses from school board members in districts that tuition all grades. Twelve respondents are either studying or have completed a preferred structure merger; another ten are studying both alternative and preferred structures, and ten are studying an alternative structure only.”

Others Listening to Public Testimony on 12.12.2016 (but not speaking):

Emily Simmons, VSBA

Josh O’Gorman, Act 46 Project (VSA/VSBA/VSBIT)

Mark Perrin, State Board of Education – Chair, Governance Subcommittee

Ben Kinsley, Campaign for Vermont

Kyle Landis-Marinello, Middlesex

Emily Bradbury, Stowe (school board)

Eric Goodling, Strafford (school board)