

AGENCY OF EDUCATION
Barre, Vermont

TEAM: School Governance Team

ACTION ITEM: Will the State Board of Education authorize the Agency of Education to initiate the administrative rule-making process by pre-filing the proposed State Board Rule 3400 series regarding “Alternative Structures” under Act 46 (2015) with the Interagency Committee on Administrative Rules (ICAR) for its review?

SECRETARY’S RECOMMENDED ACTION: That the State Board of Education authorize the Agency of Education to pre-file the proposed State Board Rule 3400 series regarding “Alternative Structures” with ICAR for its review process.

STATUTORY AUTHORITY: 16 V.S.A. § 164; Act 46 of 2015

BACKGROUND INFORMATION: The State Board determined that although Act 46 recognizes the possibility of “Alternative Structures” and includes some related requirements and guidance, the process by which a district or group of districts will propose an “Alternative Structure” lacks the level of specificity available for voluntary mergers under 16 V.S.A. §§ 701–723. On June 21, 2016, the State Board approved a motion to “develop and adopt rules regarding the criteria and processes” for consideration of proposals for an “Alternative Structure” in the context of the final statewide education governance plan that the Board must issue by November 30, 2018. As part of the same motion, the State Board requested the Agency to prepare draft rules and related draft guidance for its review. The State Board approved the draft guidance at its July 29, 2016 meeting.

The proposed State Board Rule 3400 series regarding “Alternative Structures” under Act 46 (2015) is attached for the Board’s review. The proposed rules represent the Agency’s best effort to reflect the Board’s June 21, 2016 motion by grounding the rules in the requirements and guidance provided in law and reflecting the State Board’s discussion, analysis, and recommendations about how to implement the law as written made during its 2016 annual retreat and incorporated into the July 29, 2016 guidance.

POLICY IMPLICATIONS: Issuing rules regarding “Alternative Structures” will assist districts to understand the process for proposing the structures and will supply more detail regarding the information that districts need to provide to enable consideration of a proposal for an “Alternative Structure” in the context of the final statewide plan.

COST IMPLICATIONS: (Monetary Resources; Staff Resources) The Secretary of State charges state agencies a flat rate of \$2,200 for statutory publication of proposed rules. In addition, the Agency will incur costs for any public meeting it holds to solicit public comment. Such cost is expected to be an ancillary cost to the Agency.

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