

AGENCY OF EDUCATION
Barre, Vermont

TEAM: School Governance

ITEM: Will the State Board of Education approve the requests of the newly created **NEK Choice School District:**

1. To adjust the boundaries of the current Essex North Supervisory Union (ENSU) to include the NEK Choice School District pursuant to 16 V.S.A. § 261(a) and (b)?
2. To authorize the NEK Choice School District to appoint three representatives to the Supervisory Union Board pursuant to 16 V.S.A. § 261(d)?

SECRETARY'S RECOMMENDED ACTION:

1. That the State Board of Education votes to adjust the boundaries of the current ENSU to include the NEK Choice School District pursuant to 16 V.S.A. § 261(a) and (b).
2. That the State Board of Education votes to authorize the NEK Choice School District to appoint three representatives to the ENSU Board pursuant to 16 V.S.A. § 261(d).
3. That the State Board of Education establishes July 1, 2018, the day on which the NEK Choice School District becomes fully operational, as the day on which the newly drawn boundaries of the ENSU become effective.

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

BACKGROUND INFORMATION:

On March 7, 2017, the voters in nine of ten nonoperating districts located in three supervisory unions voted to merge into a single unified union school district. The Secretary certified formation of the new district on May 9, 2017 and designated it as the "NEK Choice School District" pursuant to the provisions of 16 V.S.A. § 706g. The new district held its organizational meeting on July 12, 2017.

On July 18, 2017, the voters in the tenth nonoperating district (Lemington) approved a subsequent proposal to join the NEK Choice School District. Pursuant to the terms of the approved Articles of Agreement, the new district consents to the admission of Lemington as a full member pursuant to 16 V.S.A. § 721. The Secretary will certify the addition of Lemington upon receipt of the Lemington Town Clerk's certification of vote.

The Caledonia North Supervisory Union (CNESU), the Essex Caledonia Supervisory Union (ECSU), and the ENSU are the three supervisory unions involved in this merger. The ten districts that voted to create the NEK Choice School District are:

CNSU

- East Haven School District

ECSU

- Granby School District
- Guildhall School District
- Kirby School District
- Maidstone School District
- Victory School District

ENSU

- Bloomfield School District
- Brunswick School District
- Lemington School District
- Norton School District

The Articles of Agreement, reviewed and approved by the State Board at its January 2017 meeting, direct the new, unified board to request that the State Board assign the NEK Choice School District to the ENSU.¹ In addition, the Articles anticipate that both the NEK Choice School District (FY2016 ADM 250.80) and the Canaan School District (FY2016 ADM 130.20) would have three seats on the SU Board and that SU costs would be divided equally between the two districts.

The board of the NEK Choice School District has made the two requests outlined above under the “ITEM” heading, by letter dated July 17, 2017 (attached). The boards of the current ENSU and the Canaan School District have affirmed their approval of the request.

I. Adjustment of the ENSU Boundaries to Include the NEK Choice School District

16 V.S.A. § 261(a) empowers the State Board to organize and adjust the borders of supervisory unions on its own initiative or at the request of one or more school districts:

in such manner as to afford increased efficiency or greater convenience and economy and to facilitate prekindergarten through grade 12 curriculum planning and coordination as changed conditions may seem to require.

The voters of the ten districts that voted to form the NEK Choice School District approved Articles of Agreement that directed the new board to request the State Board to adjust the boundaries of the current ENSU to include the newly unified district. The board of the NEK Choice School District now makes that request.

¹ The proposal to create the NEK Choice School District identified each of the ten named districts as “advisable” to the district’s formation in order to allow all districts that approved the proposal to move forward. It was therefore possible that a new district could have been formed that did not include any of the districts that were members of the ENSU. For this reason, it would have been premature to assign the new unified district, if formed, to any SU prior to the final vote establishing the member districts.

Prior to creation of the NEK Choice School District, the ENSU included one fully operating district (Canaan) and four nonoperating districts (Bloomfield, Brunswick, Lemington, and Norton) and served four unincorporated towns/gores as needed. The ENSU had a FY2016 ADM of 190.50.

Assignment of the NEK Choice School District to the ENSU will result in an SU with two member districts (Canaan and NEK Choice) encompassing 11 towns. The combined FY 2016 ADM would increase to 381.

Although an enlarged ENSU would continue to serve a relatively small number of students, those students would live in 11 communities stretching over a large geographic area.

In addition, regardless of whether the State Board grants the Kingdom East UUSD's request to be its own supervisory district, creation of an enlarged ENSU would not leave any other district without an SU of which it could reasonably be a member.

There would be few if any education implications by enlarging the ENSU in the manner requested, because the NEK Choice School District pays tuition for all resident PK-12 students.

The NEK Choice School District's proposal, which was reviewed and approved by the State Board in January 2017, anticipated potential cost reductions in the amount of \$95,900 resulting in part from the consolidation of supervisory unions. Included in that amount was the cost of additional support for the provision of special education services.

Accordingly, it is advisable for the State Board to adjust the existing ENSU boundaries to include the NEK Choice School District, to be fully operational on July 1, 2018. Whether the boundaries of the newly enlarged SU should encompass other districts in the region is a matter that the State Board can consider at any time on its own initiative or at the request of one or more school districts per 16 V.S.A. § 261.

II. Appointment of NEK Choice School District Board Members to the ENSU Board

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

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

The current ENSU board has seven members: three from Canaan and one each from Bloomfield, Brunswick, Lemington, and Norton. Under the provisions of § 266, the enlarged ENSU would consist of four members: three from Canaan and one from the NEK Choice School District.

The Articles of Agreement approved by both the State Board and the voters of each of the 10 merging districts anticipate that the NEK Choice School District and the Canaan School District would have three seats each on the ENSU Board and that SU costs would be assessed equally.

Although the board of the NEK Choice School District (rather than the ENSU board) has requested the waiver of § 266 pursuant to § 261(d), the boards of the current ENSU and the Canaan School District have affirmed their approval of the revised board membership. The current SU board includes appointees from four of the ten merging districts plus three appointees from the Canaan School District.²

Accordingly, it is advisable for the State Board to grant a waiver of the statutorily required SU board composition and authorize the ENSU to consist of six members: three appointed from the board of the Canaan School District and three appointed from the board of the NEK Choice School District.

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

² In roughly analogous situations: As part of its approval of a merger proposal, the State Board has authorized a potential alternative composition on the supervisory board that would exist if a MUUSD is approved.

Essex North Supervisory Union

(Averill, Avery's Gore, Bloomfield, Brunswick, Canaan,
Lemington, Lewis, Norton, Warner's Grant, Warrens Gore)

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Vermont Agency of Education Secretary
Rebecca Holcombe
Vermont State Board of Education
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August 29, 2017

Dear State Board of Education and Secretary Holcombe,


The purpose of this letter is to support the approval of the requests of the newly created NEK Choice School District, to adjust the boundaries of the current Essex North Supervisory Union to include the NEK Choice School District, and to authorize the appointment of three representatives to the Essex North Supervisory Union Board.

At the Canaan School District board meeting on October 3, 2016, we approved the recommendation to have the Essex North Supervisory Union appoint three seats to the board from both the NEK Choice School District and the Canaan School District with costs to be divided equally between the two districts.

The voters from our non-operating districts in the towns of Bloomfield, Brunswick, Norton voted for this merger on March 7, 2017 and Lemington on July 18, 2017 in support of a single unified union school district. These communities voted in favor of forming a unified district to reduce the volatility of tax rates with students moving in or out of their towns, to promote transparency and accountability with town audits and budgets, but more importantly to retain both public and private school choice for its students. The option of school choice provides a variety of educational opportunities based on the students' needs.

Thank you in advance for your support.

Sincerely,



Laurent Giroux
Essex North Supervisory Union Board Chair
Canaan School District Board Chair