

AGENCY OF EDUCATION

Barre, Vermont

TEAM: Legal; Governance

ITEM: Will the State Board of Education vote to confirm that the Chittenden East Supervisory Union is a supervisory district?

SECRETARY'S RECOMMENDED ACTION:

That the State Board of Education:

- 1. Confirms that the Chittenden East Supervisory Union is a supervisory district pursuant to 16 V.S.A. § 261(c), effective July 1, 2019; and**
- 2. Determines that the supervisory union shall remain in existence after that date through August 31, 2019 for the sole purpose of performing any duties necessary to transition to a supervisory district, after which date the supervisory district shall perform any remaining duties.**

STATUTORY AUTHORITY: 16 V.S.A. §§ 261(c) and 706(h); 2010 Acts and Resolves No. 153, Secs. 2-4, as amended ("Act 153"); 2012 Acts and Resolves No. 156, Sec. 17, as amended ("Act 156"); 2015 Acts and Resolves No. 46, Secs. 8 and 10, as amended ("Act 46")

BACKGROUND INFORMATION, DISCUSSION, and RECOMMENDATION:

In 2014, the Chittenden East Voluntary Merger Committee (the "Study Committee") submitted its report and proposed articles of agreement to the State Board of Education recommending creation of a unified union school district ("UUSD") or, alternatively, a modified unified union school district ("MUUSD"). Proposed Article 19 provided:

If all towns vote to approve the merger (or join [the MUUSD by November 3, 2015] under Article 20), the [UUSD] shall succeed and assume the functions of the Chittenden East Supervisory Union ("CESU") and the [UUSD] will function as a supervisory district as per Act 153 and 16 VSA § 261(c).

The State Board approved the Study Committee's report and proposed articles of agreement on August 19, 2014. On November 4, 2014, the voters of the Bolton, Jericho, Richmond, Underhill, and Underhill Incorporated School Districts approved the Study Committee's proposal to merge their districts with each other and with the Huntington School District ("HSD") and the Mount Mansfield Union High School District. The HSD voters did not approve the proposal. As a result, the Mount Mansfield MUUSD formed pursuant to the articles of agreement and the provisions of Act 156. The Mount Mansfield MUUSD became operational on July 1, 2015 and the HSD remained a separate, single-town school district, responsible for the prekindergarten-grade 4 education of its students.

Because the HSD did not become a full prekindergarten-grade 12 member of the MUUSD pursuant to Article 20 by November 3, 2015, the union district did not automatically become a supervisory district under Article 19. Rather, the overarching structure of the CESU remained, with the MUUSD and the HSD as the SU's two member districts.

On June 3, 2019, the voters of the Mount Mansfield MUUSD accepted Huntington as a full prekindergarten-grade 12 member of the district pursuant to 16 V.S.A. § 721 and the State Board's Final Report of Decisions and Order, dated November 28, 2018 ("2018 Order") and issued pursuant to Act 46. On August 1, 2019, the Secretary of Education certified to the Secretary of State that the union district is a unified union school district and that the CESU is a single-member supervisory union.

Vermont law directs the State Board to "assign a union school district to a supervisory union" for "administrative and supervisory services." 16 V.S.A. § 706(h). In addition, the State Board is authorized to:

designate any school district, including a unified union district, as a supervisory district if it will provide for the education of all resident students in prekindergarten through grade 12 and is large enough to support the planning and administrative functions of a supervisory union.

16 V.S.A. § 261(c).

The State Board's 2018 Order stated that if the Mount Mansfield MUUSD voters accepted the HSD as a full member by July 1, 2019, then the Mount Mansfield MUUSD would become the Mount Mansfield UUSD. Although the State Board approved the Study Committee's 2014 proposal for the UUSD to become a supervisory district, the Board's 2018 Order did not explicitly state that the UUSD would be a supervisory district pursuant to 16 V.S.A. § 261(c).

In fiscal year 2018, the combined average daily membership of the MUUSD and the HSD exceeded 2,600 for kindergarten through grade 12. As one of the largest unified union school districts in the state, the Mount Mansfield UUSD "is large enough to support the planning and administrative functions of a supervisory union." In addition, by becoming its own supervisory district, the Mount Mansfield UUSD would eliminate the additional administrative structure of an SU and the SU assessments over which the voters have no control. Finally, by becoming a supervisory district, the Mount Mansfield UUSD would become what the Legislature has identified as the "preferred structure" for school governance.

Accordingly, we recommend that, pursuant to 16 V.S.A. § 261(c), the State Board confirms its earlier decision that the Mount Mansfield Unified Union School District is its own supervisory district.

STAFF AVAILABLE: Donna Russo-Savage, Staff Attorney