

AGENCY OF EDUCATION
Barre, Vermont

TEAM: School Governance

ITEM: Will the State Board of Education name successor entities for supervisory unions that are dissolving on July 1, 2018 for purposes of (1) maintaining supervisory union records and (2) closing financials and supporting final audits.

SECRETARY’S RECOMMENDED ACTION:

That the State Board of Education approve the following:

1. As of July 1, 2018, the successor entities for purposes of maintaining custody of supervisory union records, including audits, board minutes, warnings, contracts, and records of supervisory union employees, shall be as follows:

<u>Successor Entity</u>	<u>Dissolving Supervisory Union</u>
Greater Rutland County Supervisory Union	Rutland Central Supervisory Union
Greater Rutland County Supervisory Union	Rutland Southwest Supervisory Union
Central Vermont Supervisory Union	Orange North Supervisory Union
Central Vermont Supervisory Union	Washington South Supervisory Union
Kingdom East Supervisory District	Caledonia North Supervisory Union
Kingdom East Supervisory District	Essex Caledonia Supervisory Union
Montpelier-Roxbury Supervisory District	Montpelier Supervisory District

2. Each SU/SD identified as the “Successor Entity” in item #1 is responsible for closing the financials and supporting the audit of its respective “Dissolving SU.”

STATUTORY AUTHORITY: 16 V.S.A. §§ 261 and 164(6)

In 2017, the State Board of Education reconfigured supervisory union¹ (“SU”) boundaries encompassing several newly-created unified union school districts pursuant 16 V.S.A § 261. In some instances this action resulted in creation of an entirely new SU and the future dissolution of others -- rather than in the expansion of an existing SU to include additional districts or towns. In addition, the State Board authorized member districts of the new SUs to create transitional SU boards prior to the date on which the new SU became fully operational.

¹ When used in this document, the words “supervisory union” or “SU” include single-district SUs known as “supervisory districts.”

Supervisory unions have certain legal responsibilities to maintain their records for established periods of time. The question arose: What entity will assume responsibility for maintaining those records when an SU dissolves?

The answer as it relates to student records maintained by the dissolving SU is a relatively easy one: Student records maintained by the SU will transfer to the SU that includes that student's district/town of residence.

Custody of other SU records – such as audits, board minutes, warnings, contracts, and records of supervisory union employees – is less readily apparent.

The Vermont State Archives and Records Administration (VSARA) has authority to accept record transfers to the State Records Center either from State Agencies or in situations where the records are at least 50 years old and are at extreme risk. Therefore, the Records Center could accept and manage SU records only if the State Board first took custody of the records and then worked with VSARA to develop a cohesive policy and transfer plan. Records maintained by the Records Center are eventually destroyed. In contrast, even if the SU documents were eligible for transfer to the State Archives, those documents would need to be maintained in perpetuity – which in most cases would be unnecessary or inappropriate.

The Agency believes that the most appropriate and simplest option is for the State Board to name as “successor entity” the newly-created SU that includes the town in which the current central office for the dissolving SU is located.²

An additional, related question arose concerning the entity responsible for closing the financial records and supporting the audit of any dissolving SU. Again, the Agency believes it is both most appropriate and simplest for the State Board to transfer that responsibility to the SU acting as the “successor entity.”

STAFF AVAILABLE: Donna Russo-Savage, Principal Assistant

² The Agency recognizes that some records may be more sensitive than others. Accordingly, the Agency recommends that the physical custody of the records move according to this order, but that the use of the records be determined locally in consultation with legal counsel.