

AGENCY OF EDUCATION
Barre, Vermont

TEAM: School Governance

ITEM: Will the State Board of Education approve the request of the **TWO RIVERS SUPERVISORY UNION** (TRSU) to waive default requirements for composition of the TRSU Board pursuant to 16 V.S.A. § 261(d)?

The SECRETARY RECOMMENDS that the State Board of Education deny the TRSU Board's request for a waiver permitting both the Green Mountain Unified School District and the Ludlow-Mount Holly Unified Union School District to appoint an alternate member to the SU Board.

STATUTORY AUTHORITY: 16 V.S.A. §§ 261(d), 266

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

16 V.S.A. § 266 directs the board of each school district to “elect from such board three members who shall represent and act for it” at SU meetings, “[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 the § 266 default requirements regarding SU Board composition at the 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 TRSU Board has six directors representing two newly created unified union school districts that assumed sole responsibility for operations beginning on July 1, 2018: the Green Mountain Unified School District (towns of Andover, Baltimore, Cavendish, and Chester) and the Ludlow-Mount Holly Unified Union School District (towns of Ludlow and Mount Holly).

By letter to the State Board Chair dated October 12, 2018, Superintendent Powden reports that the current six-member TRSU board requests that the State Board authorize the appointment of one additional member by each unified board to serve as an alternate for the three board members appointed by statute. The TRSU anticipates that the alternate would participate in the meeting “in case one of the current members is unable to attend,” believing that this arrangement “will facilitate ongoing efficient and effective operations of the board.”

The default requirements of § 266 have reduced the number of TRSU board members from a total of 22 members to a total of 6 members:

Prior to formation of the new unified districts, the TRSU board consisted of 22 members:

- Andover – 3
- Baltimore – 1
- Cavendish – 3
- Chester – 3
- Ludlow – 3
- Mount Holly – 3
- Black River UHSD – 3
- Green Mountain UHSD – 3

Although formation of the two new unified districts has greatly reduced the number of districts for which the TRSU provides services, the SU remains responsible for the same number of students but is performing its duties with far fewer board members. TRSU believes that if each new unified district elects and appoints an additional – alternate – member, it will help to ensure that the TRSU is able to act with a full complement of board members.

16 V.S.A. § 266 clearly directs each school district board that operates a school to “elect from such board three members who shall represent and act for it” at SU meetings. Neither § 266 nor any other provision in Title 16 contemplates the appointment of alternates to SU boards. The State Board has authority to grant a waiver to “supervisory union board structure [or] board composition” if it determines 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).

Given the breadth of the authority granted, it is not unreasonable to assume that a § 261(d) waiver might address alternate members. The Secretary notes that one of the purposes of forming a unified union school district is to ensure consistency and transparency. The Secretary questions whether these goals are furthered by a system that permits an alternate member to vote on a matter even when that member has not participated in the meetings at which the matter was discussed.

Accordingly, the Secretary recommends that the Board refuse to grant the TRSU’s request because the use of alternates does not support the continuity of thoughtful, measured deliberation.

STAFF AVAILABLE: Donna Russo-Savage, Staff Attorney