Unfair and Unwise
The Secretary of Education’s Plan Regarding Involuntary Mergers Misguides the State Board of Education, Violates the Law, and Damages Public Education

Introduction: In 2015, the Vermont General Assembly set the state’s public school system on a course of centralization. To the extent that communities were willing to give up self-governance, the process of school district consolidation would be voluntary and deliberative.

As in many other rural states where education governance structures have been consolidated, the political alliance that drove Vermont’s consolidation was a coincidence of interest between unlike partners: conservative budget hawks promising more efficiency and lower per pupil spending, and education elites, promising more high-end courses, and equity in curricular offerings.

The law that set this course of action is Act 46 (as amended in 2017 by Act 49). It established a “preferred” governance model—a single K-12 school district providing education to all students in the district and having a minimum enrollment of 1,250.

No one believed that such a model could work everywhere in a state of very small communities, many strewn along narrow valleys between mountains, and many more spread out across sparsely populated farm and forest lands. So the General Assembly created multiple pathways to “alternative governance structures” in places where the preferred structure was not the best structure.

Districts serving communities who found merger into the preferred model impracticable were accorded the right under Section 9 of Act 46 to go through a separate planning process to arrive at a proposal for how they would structure themselves, alone or in combination with other districts, to meet the goals of the Act with regard to equity, efficiency, and opportunity.

In December 2017, 95 Vermont school districts (about one-third), alone or in various combinations, submitted 44 “Section 9” proposals.

Vermonters for Schools and Community has analyzed the secretary’s plan and finds it indifferent to the plain meaning of key sections of Act 46.
It was already clear when Act 46 was being passed in 2015 that many districts would not or could not enter into a preferred structure. The General Assembly directed the Secretary of Education to develop, by June 30, 2018, a proposed plan to merge school districts and/or realign school district or supervisory union boundaries to meet the objectives of Act 46. The State Board of Education has until November 30, 2018 to finalize a plan that may or may not follow the secretary’s proposed plan.

At the time Act 46 was passed, there was a cavalcade of assurances from members of the General Assembly and then-Governor Shumlin that forced mergers were not going to happen, that the law intended to provide the flexibility necessary to accommodate communities who could produce an alternative governance structure plan that met the objectives of the Act. However, the secretary’s June, 2018 proposed plan does not recommend such flexibility.

Vermonters for Schools and Community has analyzed the secretary’s plan and finds it indifferent to the plain meaning of key sections of Act 46. The plan overreaches executive authority, is inconsistent and biased in applying the Act to various Section 9 proposals, and in places, is in open defiance of key legal provisions that protect districts from forced mergers.

In addition, many Vermonters are deeply troubled that the General Assembly saw fit to delegate to unelected, appointed officials—the Secretary of Education and the State Board of Education—the authority to dismiss elected public school board members and dissolve statutorily established subdivisions of the state charged with a duty to provide children with a constitutionally mandated right to an education. Beyond that, by forcing these mergers, these same unelected officials would be imposing on some citizens public debt burdens authorized by other citizens when they were in separate school districts. Should the State Board decide to act upon this questionable authority, it will be inviting bitterness and unrest in significant portions of the state for decades to come.

We organize our criticism of the secretary’s unfair and unwise plan into eight sections and close with recommendations of alternative actions.

---

**Vermonters for Schools and Community**

Vermonters for Schools and Community (V4SC) is a network of community members—school board members, parents, educators, students, citizens—who believe that schools are at the heart of Vermont’s communities. V4SC serves as an information hub and resource clearinghouse to help like-minded Vermonters stay informed, connected and empowered around issues related to Act 46.

www.vtschoolsrock.org
Unfair and Unwise:

Eight Key Problems with the Secretary of Education’s Plan

1) Executive Overreach: Key interpretations of Act 46 in the secretary’s plan are executive overreach that effectively repeal Section 9 and improperly disallow alternative governance.

2) Legislative Intent: The secretary’s plan rejects alternative governance structures as a matter of policy, without respect for legislative intent.

3) What Is “Practicable”? Inconsistencies in recommendations regarding forced mergers are a product of the absence of a clear definition of the key term “practicable.”

4) Misleading Data: The secretary’s plan ignores factual data that does not support its bias against Section 9 and creates misleading data to support merger.

5) Debt: The treatment of legacy debt in the secretary’s plan defies the express intent of the General Assembly.

6) Geographic Isolation: The secretary’s plan displays woeful indifference to the hardship placed on children by the long bus rides that are inherently part of the mergers the plan recommends for many isolated rural school districts.

7) Democracy: The secretary’s plan is inconsistent on the role of democracy in school governance.

8) Destabilizing Public Education: The secretary’s plan destabilizes public education, encourages choice, and boosts prospects for independent private schools.

Should the State Board decide to support the secretary’s plan for forced mergers, it will be inviting bitterness and unrest in significant portions of Vermont for decades to come.
Problem # 1: Executive Overreach

Key interpretations of Act 46 in the secretary’s plan are executive overreach that effectively repeal Section 9 and improperly disallow alternative governance.

With the words/concepts “best,” “preferred,” “legislative presumption” and “region,” a circular loop is created that effectively eliminates the possibility of a successful Section 9 alternative governance structure proposal, except by exemption.

Even though the legislature created a “preferred” governance designation, it admitted in Act 46 Sec. 5(c) that the preferred structure “may not be possible or the best model to achieve Vermont’s education goals in all regions of the State.” But the secretary’s plan twists this phrasing into “the Legislature’s identification of [the preferred structure] as the best means to achieve the Act 46 goals” (pp. 32, 55, 86, 94, 154, 163). In doing so, the secretary turns the law on its head, both to dissuade the State Board of Education from exercising the discretion accorded it by the General Assembly, and to convert a preference into a mandate.

This is all the more troubling because the Agency of Education tried the same maneuver during the State Board’s rule making with respect to the process of establishing Alternative Governance Structures. In the draft rule, the Agency wrote that the “[g]oals of the law are best met via the preferred structure.” Witnesses testifying to the Board on the draft rule objected to this plainly inaccurate statement of the law, and the final rule (known as rule 3400) approved by the Board quoted directly from the Act. Despite this rebuke, the secretary’s plan now contains the same false statement of the status of the preferred structure.

Furthermore, the word “region” is indeed in the law, but it too is used in the secretary’s plan to render all independent (which is by definition not regional) governance impossible, even though independent governance is granted in the law as a legal avenue of compliance.

Lastly, the secretary asks the State Board to violate Act 49, Section 20. The State Board of Education is required to comply with Act 49 Section 20: "the state board of education shall not by rule or otherwise impose more stringent requirements upon an alternative governance structure than those of this Act.” The secretary’s refusal to recognize the validity of an alternative governance structure—a structure specifically authorized by the General Assembly in Act 46—constitutes the imposition of more stringent requirements.

These interpretations of the law constitute executive overreach that is a de facto repeal of Section 9. The State Board of Education is bound by law to give the alternative governance structure proposals the same consideration given to preferred structures, without imposing more stringent requirements.

Problem # 2: Legislative Intent

The secretary’s plan rejects alternative governance structures as a matter of policy, without respect for legislative intent.
Since the secretary’s plan essentially denies the right of alternative governance structures to exist, it is not surprising that it does not give serious attention to the merits of proposals to establish them. It defies reason and probability that not a single proposal in the entire state met the bar for Section 9 compliance as provided in the Act, which is defined as any structure meeting or exceeding the goals of the Act.

Communities assumed that the process required by law—self-study, conversations, and recommendations—would be evaluated on the actual merits of data and analysis. Communities seeking approval for an alternative governance structure had a right to have their good faith effort be given a good faith evaluation. Instead, all were rejected. The arbitrariness of this application is made all the more conspicuous by the fact that the plan judges merger as “not practicable” in some cases, but justifies this on grounds identical to those that the plan in turn rejects when proffered in other alternative governance structure proposals.

Examples include:

• Woodbury / Hardwick (p. 97) is not recommended for merger. However, it has conditions largely similar to Newbury / Bradford, Cabot / Danville, and to Brighton / Charleston. All three potential mergers lack economies of scale, have complex surrounding structures, and will eventually be a part of supervisory unions. Woodbury / Hardwick is recommended to be left as they are, while the others are recommended for merger.

• Stowe / Morristown EMU (p. 146) is not recommended for merger, even though they have not formed a 706b committee and spent time examining merger. Countless other communities formed 706b committees, studied merger in great detail, and either brought votes to their electorate or disbanded their committees. This good faith effort to examine merger and make an alternative application based on evidence was summarily rejected by the secretary, while Stowe’s application, which has no evidence of engagement in the merger process, was approved.

• The secretary does not recommend a forced merger between Hartland and Weathersfield (p. 161), accepting the districts’ argument that they could not identify benefits of merger in opportunity, equity, or savings. For this proposal, the secretary also concludes that “because there does not appear to be any commitment of the communities to create a new definition of ‘us,’ there is scant likelihood that they will realize the potential opportunities of a larger, more flexible unified structure” (p. 164). This statement is in direct conflict with the secretary’s response to proposals from many other districts that likewise argued that they could not identify benefits. For example, Montgomery and Franklin both demonstrate that they exceed the goals of the law for equity, opportunity, efficiency, student performance, cost and transparency, and that
they have the mitigating factor of geographic isolation allowed by law; however, in their cases this lack of benefit of merger is not enough, and representatives were scolded at the Newark State Board meeting for not trying hard enough to “create a new definition of ‘us.’”

* Beyond Charleston and Brighton, much of North Country SU is not recommended for merger based on “distance” to neighbors and “reluctance” (North Country, p. 112) to merge, important arguments that are respected here and yet dismissed in other proposals. In contrast to NCSU, Franklin, Montgomery, Windham, and Barnard produced extensive evidence of their geographic isolation and have had warned votes of their electorate rejecting merger. Brighton and Charleston are similarly geographically isolated and merger is recommended for them, but others in NCSU are not recommended for merger when the same conditions apply.

* Athens, Grafton, Rockingham, and Westminster were not recommended for merger, although the secretary argues “[a] merger of the Athens, Grafton, and Westminster Elementary Districts would be ‘possible’ and ‘practicable,’ simplify the existing structures by replacing four boards with one, and facilitate resource sharing and elementary school choice among the three schools.” However, the secretary states that “given the very small sizes of both districts, it will be interesting to consider whether there are any other benefits to creation of the unified district” (p. 95). This consideration based on lack of scale was not applied to Brighton / Charleston, Cabot / Danville, or to Bradford / Newbury.

If the secretary’s justifications for not recommending forced merger for many districts were applied consistently to all Section 9 applicants, many more would not have been recommended for merger.

While the language of Section 9 clearly outlines an avenue of compliance, the secretary’s interpretation blocks it regardless of the merits of a proposal. Contrary to the secretary’s constrained misinterpretation, the law’s intention is clear. Multiple statements made by legislators about Act 46 throughout its development and implementation point to a consistent vision that the creation of Section 9 recognized the need for flexibility, and that “one-size-fits-all” would not work.

**Problem # 3:**
What Is “Practicable”?

Inconsistencies in recommendations regarding forced mergers are a product of the absence of a clear definition of the key term “practicable.”

The inconsistencies noted above are a product of the failure of the General Assembly to define the key term “practicable”; and the failure of the Agency of Education to define “practicable” during the Section 9 rulemaking process. This resulted in a lack of clarity in the standards by which practicability would be determined under Section 9 alternative governance structure proposals.

Act 46 directs the secretary to develop a plan to submit to the state board that realigns the school districts in the state into the preferred unified union school district, except in cases where that is not “possible or
practicable.” Neither term is defined. It is probable (as the secretary’s plan says) that the word “possible” is a reference to state laws prohibiting the state board from altering the governance structure of school districts whose grade configurations are not alike, or those who tuition some or all of their students to other public or independent schools. Only the local voters can make those changes.

The word “practicable” is murkier. Yet this is the barrier that Section 9 applicants must cross to win approval, because only if merger is not “practicable” can they be spared from forced merger.

It is revealing that in most cases where the secretary’s plan rejects an alternative governance structure proposal, the plan does not challenge the applicant’s claims to have met the educational and fiscal goals of Act 46. It is enough for the secretary to argue that merger is practicable, as if there were a clearly defined definition of “practicability.” Applicants have been left to guess by what standards their proposals would be judged. It would be impossible to provide facts that would support a conclusion that merger is not “practicable,” since there is no specific definition of non-practicability.

Nor can we infer in retrospect what those standards actually were. There is no discernible consistent rationale marking a difference in the cases determined “not practicable,” those in which “no action” was recommended, and many that were recommended for involuntary merger. From such precarious footing, the secretary makes radical recommendations that the State Board of Education dismiss elected public officials, dissolve statutorily established subdivisions of the state charged with providing children with a constitutionally mandated right to an education, and impose on some citizens public debt burdens authorized by others.

Problem # 4: Misleading Data

The secretary’s plan ignores factual data that does not support its bias against Section 9 and creates misleading data to support merger.

Despite invoking the need to attend to “statistical realities,” the secretary’s plan does not do so itself. In Barnard’s case, the plan ignores the data provided in the proposal, and comes up with figures that do not correspond to the state’s own posted data. All this appears to point toward the assertion that enrollment and tax rates “fluctuate dramatically” there, which is demonstrably untrue. According to the plan, The Barnard District’s K-6 student population has fluctuated dramatically over the last five fiscal years, although its highest ADM is in the current fiscal year. The two largest changes (decrease of 8.10 students in FY 2016 – FY 2017 and an increase of 11.10 students in FY 2017 – FY 2018) represent changes of 13.7% and 21.8% respectively. (p. 63)

These figures are incorrect. In fact, the AOE data Barnard provided in its proposal shows exactly the opposite: that Barnard’s ADM has growth steadily and substantially, from 60 in 2014 to 76 in 2018 (2014: 60; 2015: 66.1; 2016: 71; 2017: 68.9; 2018: 76). Thus using the five-year period of data requested, evidence shows that Barnard’s ADM grew 26.67% over five years. The only dip in growth over the five years was a 2.1 decrease, which is hardly volatile.

The definition of ADM described on the AOE website states that elementary ADM includes “those in early education programs,
PreKindergarten, Kindergarten, and 1st through 6th grades.” Thus it is notable that the plan’s description of ADM for Barnard elementary departs from the agency’s own customary definition by removing PreK from the equation. The plan’s removal of PreK figures paints a misleading picture of enrollment trends at that school, especially because the PreK program was fairly new in 2014 and thus its variability would be expected. Its overall growth speaks to its success, not any sort of weakness. Furthermore, while Barnard provided five years of enrollment data, the plan mentions only two years in what appears to be an attempt to paint the school as failing. Lastly, it is notable that the theoretical tax volatility that the plan mentions in this section is misleading as well, as Barnard’s actual tax rates are quite steady (2013: 1.4289; 2014: 1.3786; 2015: 1.5263; 2016: 1.6050; 2017: 1.5448).

Another example of misleading data occurs with Franklin. The secretary points to a 23.86% decline in Franklin’s ADM since 2014, and uses this to paint a picture of a school spiraling out of control. This was a known anomaly, with a large graduating 6th grade coupled with a small incoming kindergarten class creating a temporary decline. It was explained to the secretary that this would be offset the following year by the inverse. Enrollment for the 2018/2019 school year is up 13% from last year, to 117 from 103. There is always an ebb and flow of enrollment numbers in a small town. For example, enrollment for Franklin in 1970 was 129, or 9.3% higher than today. However, 1980’s enrollment was 106, or 6% less than today. This natural fluctuation has been occurring for at least the last half century. Franklin’s enrollment decline is actually 1.7% since 2007, when enrollment was at 119. This is hardly the school in crisis that the secretary depicts.

The dire warnings about spiraling tax rates and high teacher turnover rates contained in the plan are irrelevant. Franklin spends less per pupil than 92% of all schools in Vermont. Franklin’s turnover in the last 12 years consists of 4 classroom teachers, three of whom retired with between 24 and 35 years of service. The fourth moved to another school after 7 years of service.

It is critical to separate fact from opinion. In fact, Franklin and Barnard are thriving, sustainable schools, not as depicted by the secretary.

Problem # 5: Debt

The treatment of legacy debt in the secretary’s plan defies the express intent of the General Assembly.

Act 46 Sec. 5(c)(4), as amended by Act 49, acknowledges “greatly differing levels of indebtedness among member districts” as grounds for establishing the impracticability of a merger and the need for an alternative governance structure.

Dummerston, Windham, Athens, Grafton, Westminster, Cabot, Danville, Richford, Enosburg, Hartland, Weathersfield, and the six boards of Washington Central Supervisory Union (Berlin, Calais, East Montpelier, Middlesex, Montgomery, Worcester, and U-32) all made reference in their Alternative Governance Structure proposals to greatly differing levels of debt as an obstacle to merger. In none of these cases did the
secretary accept the arguments or even evaluate them on their merits.

The standard response in the secretary’s plan to each of the proposals where differing debt levels was named as an obstacle includes that debt levels change over time, and that savings “could result” from merger. The fallacies in these arguments can be exposed at another time. What counts is that they distort the plain meaning of the law. The law states:

greatly differing levels of indebtedness may make merger impracticable. The issue must be addressed on its merits in each case, not summarily dismissed en masse as if the General Assembly was out of its mind recognizing the burden that uneven indebtedness places on the quest for a new “us.”

When school districts merge to form a union or unified union district, all the pre-existing districts are dissolved and both their assets and their liabilities are commingled and assumed by the new union district (16 V.S.A. § 706(b)(6)). In particular, bonded debt is no longer borne specifically by the taxpayers in those towns whose voters authorized it, but collectively thereafter by all taxpayers in the new merged district.

Forcibly consolidating districts with greatly differing levels of indebtedness imposes on residents of low- or no-debt districts the involuntary obligation to pay a proportional share of others’ debt. By the same token it “weakens … the obligation” of the district that issued the bond to pay it back (24 V.S.A. § 1785). Redistribution of the debt burden may also create inequity where it did not exist before, by forcing taxpayers in less wealthy towns to subsidize their wealthier neighbors (as would happen among the towns of Washington Central Supervisory Union).

Problem # 6: Geographic Isolation

The secretary’s plan displays woeful indifference to the hardship placed on children by the long bus rides that are inherently part of the mergers the plan recommends for many isolated rural school districts.

The secretary’s proposed statewide plan strains credulity by asserting without support that geographic isolation is not a barrier that may make merger impracticable. In defending this position, the plan variously argues that long bus rides are not a hardship because some students choose to travel long distances to go to school; people in general travel on difficult roads; adults travel long distances for employment, shopping, health care services; and some parents drive their children to neighboring towns for programs not available in their own community. These examples, all either voluntary actions, actions of adults, or discretionary actions taken by adults for the benefit of their own
children, are no excuse to condemn children to endure two hours a day or longer, five days a week, 36 weeks a year, in a bumpy school bus over gravel roads. The fact that this sentence is recommended by the secretary for all children attending merged districts, whether 17 years old or 5 years old, is astonishing. If carried out, the state would be engaged in state-sponsored child abuse.

Additionally the General Assembly directed the State Board to derive metrics for determining eligibility for small school grants that include lengthy driving times or inhospitable routes to the nearest school with excess capacity. Apparently the General Assembly and the State Board of Education have limits to their tolerance for long bus rides, but the secretary has none whatsoever. Geographic isolation and the long bus rides that result are, in a rational world, factors that justify an alternative governance structure as a better choice than the governance structure that may be preferred in other, less geographically challenged regions.

We challenge the State Board of Education, of which the secretary is an *ex officio* member, to ride a crowded school bus for one hour, twice a day, for a week, before they force mergers that would result in such rides for children.

**Problem # 7: Democracy**

The secretary’s plan is inconsistent on the role of democracy in school governance.

The secretary’s plan presumes that goodwill permeates the merger planning process, and neighborly respect will protect small schools from being closed by merged boards. However, the plan simultaneously disrespects the will of the voters who have rejected merger proposals, dismissing their verdict as mere “community sentiment.”

The plan repeatedly dismisses Section 9 proposals from communities whose voters
rejected merger proposals or otherwise demonstrated opposition to merger. The plan dismisses these votes by arguing that the legislature named the unified union school district as “preferred,” and that the “...law does not contemplate a departure from this goal based on community sentiment.” But Act 46 recognizes that the preferred structure might not be the best structure everywhere, and provides for the very alternative governance structures and Section 9 planning process in order to find the best fit. In many communities voters rejected merger proposals and launched the Section 9 process. Now those Section 9 proposals are summarily dismissed.

This raises the question: What was the point of ballot measures? Was it to shift blame for unwelcome merger plans from the General Assembly, the Secretary, and the State Board to the local voters who approved one? Was it to make voters ultimately responsible when a merged district subsequently acts to close the community’s school? And what does it mean if your vote only counts if you vote the way the state wants you to vote? Vote yes and you “voluntarily” merge. Vote no and you get merged by bureaucratic fiat.

This is where the secretary turns about-face on the issue of democracy. Unlike those unruly voters who rejected merger, the secretary trusts merged school boards to act with goodwill toward all. Vermont’s small communities are not fooled. Experience from other states make it clear that when consolidation forces small districts into larger and more politically powerful structures with unequal representation, small schools are rendered vulnerable to their larger neighbors on merged boards who want to move children and resources into their own schools.

Local leaders who have determined that consolidation is not in students’ best interest are discredited in the plan as short-sighted and driven by fear (mentioned no fewer than fourteen times in the secretary’s plan). This is a standard strategy of consolidation proponents in other states, attempting to create a new definition of “us” as the bold, progressive, pro-merger vanguard vs. the “them” of backward, fearful, narrow-minded locals. This condescending and disparaging attitude reinforces community resistance, and exacerbates a lack of trust in government.

The voters who voted “no” and the communities that submitted Section 9 proposals live in a real world where the evidence shows that self-interest instead of goodwill guides board behavior. In this way, the secretary’s plan shows a complete disregard for very real political power
imbalances between districts and communities. It is not that the secretary does not hear the concerns. Here the Plan expresses some of them well:

“A related concern has also been expressed that a smaller district’s proportionally smaller representation on a unified board will lead to: reduced programmatic offerings in favor of lowering tax rates or at urging of communities perceived as less willing to support budgetary increases at the polls; failure to perform needed or desired structural improvements to school buildings in smaller towns; and the ultimate closure of smaller, more rural elementary schools. Proposed Statewide Plan, p. 33; Act 46, Sec. 10(a) (Revised: June 1, 2018).”

The problem is that the plan offers no relief other than the inadequate suggestion that these fears are not justified and can be mitigated if the merging districts adopt the hybrid model of board representation, a clumsy and dubious attempted end-run around one-person, one-vote. Anyone with a modicum of experience in local school politics knows how “divide and conquer” politics will slice that protective shell to shreds when the weakest school is picked off by the others if the latter conclude their interests are served by closing that school. Contrary to the secretary’s rationale, the issue is rarely that board members are incapable of learning to view a new “us.” It is that they wish to redirect the smaller schools’ students and resources to their own school because it benefits them. Self-interest is commonplace.

This is the opposite of equity: instead of helping schools gain equal footing with larger, richer schools, many of the secretary’s recommendations offer power to those larger, often richer schools to close small ones.

Problem # 8: Destabilizing Public Education

The secretary’s plan destabilizes public education, encourages choice, and boosts prospects for independent private schools.

By so arbitrarily rejecting Section 9 proposals and recommending forced mergers, the secretary pushes communities to close their public schools and move to choice. This destabilizes public education.

The severe interpretation of the law outlined in the secretary’s plan, which denies the existence of geography, uneven indebtedness, lack of scale, and real-world concerns, is resulting in school districts initiating public discussions and warning votes to close public schools, change operation, move to school choice, and in some cases, move to open independent schools.

**Districts that have closed grade levels and changed operation to tuitioning as a result of Act 46 mergers:**

- In June 2018 Chelsea changed operation to close their high school and instead tuition grades 9-12. This was approved by the State Board of Education even though tuitioning will be more expensive than operating Chelsea High School.
- In June 2018 Rochester changed operations to tuition students in grades 7-12.
- In June 2020 Ludlow and Mt. Holly will close their high school grades and tuition. At
this time a group of community members are planning the opening of Black River Academy in September 2020 as an independent school in the leased school building.

Public discussions are underway to change operation from operating a public school to tuitioning in the following communities:

- Barnard: Public Discussion scheduled for August 7, 2018 to discuss option of capitulation, appeal, or dissolution/choice/opening independent school
- BMU Groton/Ryegate/Wells River: Advisory vote warned August 14, 2018
- Holland: School closure vote warned September 11, 2018
- An additional seven communities are planning to schedule public meetings to begin this conversation.

V4SC Recommendations

We request the State Board of Education:

- Honor the wishes of the electorate and not force merger upon any town that has rejected merger at the ballot box, but instead approve any Section 9 proposal that such town is party to.
- Acknowledge geographically isolated towns, allowing them to partner with their neighbors in a supervisory union structure such as the 2/2/1 and 3/1 structures described in Act 49 or as they have otherwise proposed in a Section 9 proposal.
- Acknowledge towns with debt differentials and afford them the opportunity to operate as a supervisory union and continue to meet the goals of the law as set forth in their alternative governance plans.
- Allow districts recommended for merger that can demonstrate no fiscal benefit from merger to continue to operate as independent districts within a supervisory union.

We recommend the General Assembly:

- Define “practicability” and set limits to it as follows:
  1. It is not practicable to merge districts that are geographically isolated due to inhospitable roads and distance between schools
  2. It is not practicable to merge districts with debt differentials which impact their neighbors
  3. It is not practicable to merge districts with small enrollments that can show no attainable benefit to merger that cannot be attained by working collaboratively within an SU.
● Prohibit one-way bus rides of longer than one-half hour for elementary students, 45 minutes for middle school students, and one hour for high school students.
● Require any school district created in a forced merger mandated by the State Board of Education to pay fair market value for all school property seized from any town that was forced into the merger.
● Amend Act 46 and Title 16 to provide for the separation from any unified union school districts any town in which a majority of voters in a duly warned election vote to separate.
● Amend Act 46 by requiring an assessment of its impact on curriculum offerings, education spending, tax and spending equity, equity of student outcomes across gender, race, and income variables, and overall excellence of student outcomes.

_Vermonters for Schools and Community (V4SC)_
www.vtschoolsrock.org