

LAMOILLE NORTH SUPERVISORY UNION
ACT 46 STUDY COMMITTEE MINUTES
GTMCC COMMUNITY EDUCATION CENTER
NOVEMBER 30, 2015

Committee members present: Pierre Laflamme, Bill Sander, Laura Miller, Ken McPherson, David Whitcomb, Peter Ingvaldstad, Becky Penberthy, Tim Sullivan, Dan Regan, Angie Evans, Patti Hayford

Others: Edith Beatty, Marilyn Frederick, Michelle Aumand, Brian Schaffer, Steve Sanborn, Thad Tallman, Jodi Tallman

Note: All votes taken are unanimous unless otherwise noted.

1. ***Call to Order and Approval of Agenda***

P. Laflamme called the meeting to order at 5:58.

B. Sander moved and D. Whitcomb seconded to approve the agenda as printed and the motion was passed.

2. ***Approval of Consent Agenda Items (Board Committee Minutes 11-10-15)***

D. Whitcomb said he noticed many mistakes in the minutes. For instance, he referred to Rich Westman but the minutes said "Ricky Wescomb." However, since this is just a committee he doesn't think it is important to correct all the errors. P. Laflamme asked if D. Whitcomb is concerned that the minutes got the gist of his statements wrong. D. Whitcomb said no. **B. Sander moved to approve the consent agenda, D. Whitcomb seconded, and the motion was passed.**

3. ***Public Forums Debrief/Discussion***

B. Penberthy said one concern she heard from people she talked to after the Waterville forum was that Waterville will have only one elected board member. But there is nothing we can do about that. She thinks people appreciated the opportunity to go to the forum but there are concerns about a lack of say for the Waterville community.

D. Whitcomb said people in Eden are very upset about giving up their school and buses for one dollar. They will fight it till the cows come home. P. Laflamme said several people in Eden had concerns about one act after another coming from the legislature and wondered when the next one would come.

L. Miller said P. Ingvaldstad did a great job at the Cambridge forum. She thinks pretty much every question people had was answered. She didn't feel strong negativity or positive feelings. People mostly just seemed to be interested in what Act 46 means and how it would affect the school. B. Sander said there were questions asked and they were answered fairly well. There was a reasonable turnout. He hasn't heard much feedback. Some people his wife has talked to have expressed some reservations. She and W. Sander have some reservations too.

P. Ingvaldstad said he thinks there are a lot of people who don't have knowledge of what Act 46 is. From the people he has talked to who understand what it is, for the most part

he has heard people saying we have an SU that is already working and there is a lot of consolidation we have already done so this next step is not a big one for us.

P. Laflamme said one thing that stood out for him at the Cambridge forum was people asking if programs they are proud of are going to be lost.

A. Evans said the questions asked at the Belvidere forum were pretty much the same ones others have mentioned. People asked about what will happen to the building and how we will save money after the first 5 years.

P. Ingvaldstad said at the Belvidere forum he heard people asking about the school property and whether it can be separated from the school. There was some talk about how to protect use of the facility. He probably heard that everywhere.

P. Laflamme asked what stood out the most from the forums. One thing that stood out for him was the concern over loss of property.

P. Ingvaldstad said there is one concern he only heard in Johnson but thinks is important. A teacher was very eloquent about a desire to have some way for teachers to work with the principal and representatives at the individual school level.

E. Beatty said there is a theme she heard a lot. She has heard people saying that this is going to happen and we would rather do it now and have a hand in how it happens and get the incentives than be told how it happens.

L. Miller said the Cambridge board is very concerned about the gifted and talented program. It had been brought up that maybe we would have a teacher go around to all the schools so everyone would have a gifted and talented program. So instead of having one and a half people, Cambridge could end up with a one day a week person. Compared to what they have now, that would be negative. The board also talked about Cambridge's fleet of buses which would basically be given to the district. Another thing discussed was that Cambridge's per pupil spending is low, so if it becomes part of a larger district including others with higher per pupil spending, Cambridge's per pupil spending will go up even though no more will be spent on Cambridge's kids.

E. Beatty said everything is equalized across the state so the change will not be as huge as it seems. One big reason per pupil spending in Cambridge is lower is the economy of scale. If the district becomes larger it can take advantage of that same economy of scale. The cost per pupil when the SU is taken as a whole is a little higher than Cambridge's cost per pupil now, so it would go up some for Cambridge and down for some other districts. *(Thad and Jodi Tallman arrived at 6:13.)*

P. Laflamme asked S. Sanborn about the timeline for the next forums and the public hearing. S. Sanborn said we don't need to have another forum but we do need a public hearing within 10 days of the vote. The committee can decide if there should be a single hearing, maybe here at the high school or in some other central place, or if there should

be hearings in each community. We may also want discussion of consolidation to be on the agenda for town meeting day so committee members can present information. The committee could put on another set of forums in February if desired.

After the meeting next Tuesday the committee should have decided whether to approve the articles. By the end of that week or the beginning of the next we will submit the articles and final report to AoE. They will review them and send questions back if there is anything they find not acceptable. We will meet with the State Board of Education either January 15 or January 19. S. Sanborn thinks they have added another meeting to handle the reports. We will have February, March, and the beginning of April to do more work in terms of education and hearing from communities.

D. Regan asked, if things go according to plan, will study committee members have a chance to view the final report before the meeting next week? E. Beatty said yes. In addition to the articles there are historical and financial pieces. She and others will try to get it together in the next couple of days.

B. Sander said he is finding a lot of legislators have no clue what Act 46 is about. There was a public meeting of concerned parents in a Lamoille County town not in our SU and the state legislator who came to that meeting acknowledged she hadn't read the bill before it passed. He wonders what potential there might be in the next legislative session for serious revisiting of Act 46.

D. Whitcomb said we have to get out the information that this can be discussed at town meeting even though voting will be going on at the same time. W. Sander reminded him that the merger vote will not be on town meeting day.

4. *Finalizing Articles of Agreement*

S. Sanborn said some adjustments have been made to the previously discussed articles based on attorney input. When we left the meeting two weeks ago what he thought he heard was that no one felt we should make some towns necessary and some advisable. He thinks the consensus was that either all should be necessary or all should be advisable. He distributed two sets of proposed articles – one to use if we decide all towns should be necessary and one to use if we decide all should be advisable.

T. Sullivan said he would hate to think that a small minority in one town might scuttle unification for the entire group. There are some significant benefits that could accrue to the people we are representing. He would be fearful of our chances of unification going forward if we make every town necessary.

D. Whitcomb said he doesn't like hearing that little towns may not be necessary and the other towns will move on without them. We are all equal. He would like all towns to be necessary.

D. Regan said he doesn't agree with D. Whitcomb. He doesn't think it is a question of the size of the town. Everyone deserves a voice, but no entity's voice deserves to drown out

everyone else's. He feels that making all towns advisable seems the most prudent way to proceed.

L. Miller said she has changed her mind since last time. She thinks all should be advisable. If one town doesn't want to join the union they can have their say and still have local control even if the rest unify. We are not telling Eden or Belvidere they have to merge and they are not holding back those who decide to do it.

B. Penberthy asked, what if all are advisable and only Belvidere and Waterville vote yes? Several people responded that nothing would happen. S. Sanborn said 4 towns have to vote yes.

B. Sander said the worst case scenario would be if 4 towns voted to unify but Johnson and Cambridge voted not to. Then the majority of the population would not be included but the majority of towns would be. It would be a strange structure. No matter how it is done there are possibilities that could leave us with a messed-up situation. We just have to decide which is the best of the non-perfect solutions. He asked, if Wolcott doesn't end up aligned with any district, is it conceivable that the state will assign Wolcott to our union?

S. Sanborn said he thinks if we were a union or modified union, the State Board or the Secretary of Education would probably come and ask if we would include them. He thinks if Wolcott wanted to join our union there would have to be a vote of both Wolcott and the unified union, unless the Secretary of Education just assigned Wolcott to our union. E. Beatty said it is likely that before the date when the state could assign them to a district Wolcott and other towns in a similar position will approach the union they decide they would like to be in. S. Sanborn said the Secretary of Education has said publicly that she wouldn't assign any district where they would lose choice.

P. Laflamme called for a vote on whether to deem all towns necessary or all towns advisable. **Two committee members (D. Whitcomb and B. Sander) voted that all towns should be necessary and 7 committee members voted all should be advisable.**

The board began reviewing the appropriate set of articles.

D. Regan said Raven Walters, who shares a seat on the committee with him, had asked him to raise a question about the name of the proposed union district. Unless the name shown on these articles (Lamoille North Unified School District) is legally demanded, she would suggest it be called Lamoille North Union School District on the ground that the familiar name would make the concept of a union seem more familiar and palatable. We have been emphasizing that we are practically consolidated anyway, so she thought it could be good to carry forward the name of the existing SU.

S. Sanborn said this committee can name the new unified union anything it would like to name it. But he pointed out that if all towns are advisable and 5 vote yes and 1 votes no,

we will still have to keep the existing Lamoille North Supervisory Union as well as the new Lamoille North Union so the two districts would have essentially the same name.

S. Sanborn said language in Article 4 was cleaned up a little by the lawyer. He read the new language.

K. McPherson said there is some possibility the union school district would decide to close the existing HPES school and create a new one serving the same population. The language of Article 4 says that could not happen until 2 years after 2017. He would hate to see Hyde Park's situation dragged out for another 3 years or more and requiring a super majority vote just to replace one facility with another. S. Sanborn said replacing a school is not considered closing a school. The language leaves open the option of replacing the Hyde Park building.

D. Regan asked why we need the word "facility" in "Closing a school facility after July 1, 2017 takes a 75% majority in two (2) votes taken in two (2) consecutive years." S. Sanborn said he doesn't think we do. It was agreed to remove it.

B. Schaffer said he has a recommendation concerning Article 6, which states: "The forming districts of the Unified School District recognize the benefits to be gained from establishing district-wide curricula as well as their obligation to do so, and to otherwise standardize their operations on or before July 1, 2017." Article 12 gets into a deeper understanding of what is required by the Education Quality Standards. The statement in Article 6 is very broad. He thinks it could be beneficial to include in Article 6 a reference to the Education Quality Standards.

S. Sanborn said in his years in Vermont we have changed standards 4 or 5 times now. The articles of agreement is a document that should endure so we try to be as minimalistic as we can in it. If we refer specifically to the Education Quality Standards then if the state changes the standards it uses the new school board would have to change the articles.

B. Schaffer said he is not sure what function Article 6 serves when Article 12 goes into more detail about the Education Quality Standards. He thinks if an article calls for us to have common curriculum across the district it makes sense to reference the Education Quality Standards. It is somewhat redundant to address the same thing in Articles 6 and 12.

L. Miller said she doesn't understand what the issue is with Article 6. B. Schaffer said it speaks to district-wide curricula but does not discuss how we arrive at them. The process may be different in different districts now, but State Board Rule 2000 (the Education Quality Standards) states very specifically what we should be doing. He is seeking further clarity in the article so there is a framework established when the union goes to create district-wide curricula. He thinks we should either include a reference to State Board Rule 2000 in Article 6 or strike Article 6 because Article 12 is more specific.

D. Regan said looking at it from the perspective of parents or community members he thinks Article 6 conveys in plain English an important part of the process. He would be reluctant to have it submerged in the particularities of Article 12.

B. Sander said he agrees with D. Regan. We have been plagued with differences in curriculum at different schools. When kids came into 7th grade they would have had different levels of preparation in different areas and a significant amount of time would have to be spent bringing everyone up to the same level. We have had long struggles against establishing an SU-wide curriculum but we are largely there now. This codifies what we are doing. He hates to have it removed so people think we can go back to where we were. He would strongly advocate for leaving it in as it is. He asked how E. Beatty feels about it.

E. Beatty said until B. Schaffer brought it up she thought it was fine. She thinks Articles 6 and 12 convey different things. She is happy either way. She doesn't think B. Schaffer is suggesting coordinating curriculum is not important – just the opposite. It is a minor point to her. This language is modeled on language used by other SU's that have gone before us and the language worked for them.

P. Ingvaldstad said the introduction to the Education Quality Standards talks about things like personalized education, flexible multiple pathways, etc. Those are really important things that will come with this unification. He suggested adding to Article 6 so it would read “standardize their operations as stipulated in the introduction to the Vermont Education Quality Standards.” He asked B. Schaffer if that gets at what he wants. B. Schaffer said it does. There is currently a framework and guidance for curriculum. He thinks it is important to have that as a reference point. That would address his concern.

L. Miller asked where to get more information about State Board Rule 2000. B. Schaffer emailed her a link. L. Miller asked, is this all aligned to Common Core? B. Schaffer said yes. L. Miller asked if there is any reason we couldn't put Articles 6 and 12 right next to each other. S. Sanborn said Article 12 is one of those articles that has been written by the State Board of Education and has to stand alone. L. Miller asked, it can't be called Article 7? S. Sanborn said he isn't sure. The article itself is required by the state.

E. Beatty said she is concerned that we are getting to small details that will slow us down. We have run this language by our attorney and other SU's have used this language. She thinks we want to keep the articles of agreement bare bones.

B. Penberthy asked, since this is our foundational document, don't we have the opportunity to infuse it with our philosophy and inspirational language about what we want to reach for? She doesn't see why we can't use P. Ingvaldstad's language.

D. Regan said he is happy with P. Ingvaldstad's change; it seems fine.

T. Sullivan said he liked D. Regan's point about keeping it clean and easy to understand. Is there a way to put the reference to EQS at the end? Many people who read it won't be familiar with the reference.

E. Beatty said the inspirational language is in Article 12. T. Sullivan asked, can we say "as in Article 12?"

P. Laflamme said he is hearing an argument for keeping Article 6 clean and stripped down. Is anyone not seeing that Article 12 reflects the sense of what B. Penberthy, P. Ingvaldstad, and B. Schaffer are trying to capture? B. Schaffer said it does capture it, but he would like to define what opportunities will exist beyond just using the broad term "curriculum" in Article 6.

P. Ingvaldstad said one argument for leaving out the reference to Education Quality Standards is that following them is law. But as B. Penberthy said, this is our chance to say what we want for our district.

K. McPherson asked how long this document binds the new board. It seems to him we are putting something into it that should be in the laws rather than the constitution. If we had done this 10 years ago we would be talking about a whole different way to organize the educational process. He suspects in another 10 years we will have a different frame of reference. Does the language about Education Quality Standards restrict our ability to take on more aggressive approaches to education? For how long? But he realizes we have to leave it in.

S. Sanborn said some of these articles will end up in the warning people vote on. Those have to go back to the community to change. Those that aren't voted on can be changed by the new board. Article 6 isn't a piece communities will vote on. It can be changed by the new school board.

E. Beatty said these articles will sit within a larger report. We can make sure some important pieces about what we want go in our report and keep the articles as clean as possible.

P. Laflamme said he is hearing we should keep Article 6 as it is now and capture the sense of what people have been talking about in the report. No one objected.

S. Sanborn said the last sentence of Article 7 has been changed. It says: "Funds that have been designated for a specific purpose by the electorate shall remain earmarked for the stated purpose." We talked about that before but didn't have good language. We got language from the attorney.

S. Sanborn said language in Article 8 about current community use has been changed a little with the help of the lawyer.

D. Griffiths pointed out that Article 8 calls for a vote of “over a 75% majority” for changing community use procedures, while Article 4 calls for “a 75% majority” for closing a school. Should they be the same? E. Beatty said we took out “over” in Article 4 and she thinks it should be removed from Article 8. Are people okay with that? No one objected.

S. Sanborn said the language in Article 10 has changed. He read it. It describes the number of board members from each town and the length of their terms.

B. Sander asked, why not have the terms of each town’s members based on the number of votes they get? Those with the highest number of votes get 3-year terms, the next highest get 2-year terms, and the next highest 1-year. S. Sanborn said that would be illegal to do. One person may specifically want a 1-year term. It would be like if someone ran for tax collector and you decided to make them dog catcher.

S. Sanborn said in Article 12 we added Lamoille Union School District 18 to the list of school districts. Article 17 uses language suggested by the lawyer. Articles 19, 20, and 21 are the ones that are different than they would be if we wanted every town to be necessary.

S. Sanborn read what Article 20 says about how voting will work if we have a modified union district and one or more non-member elementary districts (NMEDs.) B. Penberthy said if Hyde Park were a NMED then the board would be left with 14 votes, which is an even number. S. Sanborn said there would be 14 votes on PreK-6 matters for the modified union. P. Ingvaldstad said the high school board has an even number of members and he hasn’t seen a tie vote in 22 years. W. Sander said if all the towns join the union there will be an 18-member board, which is also an even number.

W. Sander said he thinks we are pretty safe requiring a 75% super majority but if Cambridge, Hyde Park and Johnson wanted to gang up on the other 3 towns they could come up with a 75% majority and the other towns would be left out in the cold. He sees that as a potential concern. E. Beatty said in the first draft a 100% vote was required for school closing and it was the will of the committee not to have it be 100%. S. Sanborn suggested setting that issue aside until after going through the rest of the articles. He read the rest of Articles 20 and 21. He asked if the committee wants to change the 75% majority for school closing to another number. W. Sander said he is uncomfortable with it. There is the very real possibility that small districts’ schools could be voted out of existence. He would like to see 100% required. Even if we require a 95% majority, Belvidere could be out in the cold.

D. Whitcomb asked if we should wait and see if the legislature makes any changes to Act 46. He thinks it will be really looked at and changes will come.

P. Laflamme asked for a show of hands from those who favor keeping it at 75% and those who favor changing to 100%. Five wanted 75% and 4 wanted 100%.

Committee members agreed they were ready to vote on the articles.

W. Sander moved to approve the articles of agreement as read and edited, T. Sullivan seconded and the motion was passed with 9 in favor and 1 (D. Whitcomb) opposed.

5. *Public Comment*

T. Tallman asked about the 3rd paragraph of Article 8. Does it mean that if any work is done on a school building after 2017 and the building is sold back to the town for a dollar then the town has to reimburse the district for the work done? S. Sanborn said his understanding is that the town would have to take over any outstanding bonds but if they kept the building for 5 years after taking it back they would not have to pay for any work that had been done and already paid off. T. Tallman said there are towns that have earmarked money for work that might not happen until after unification happens. If a town has \$50K already saved to put into the roof and the union district gets the roof fixed then decides they don't want the building and sells it back and then town decides to sell it, then the town will have to come up with another \$50K because the work was done after 2017 even though the work was done with earmarked money. Is the committee sure about putting that through?

T. Tallman also noted that the 2nd paragraph in Article 8 says real property can be conveyed back to towns if the board "unanimously determines" the property is not needed. P. Laflamme said he thought that was necessary for the protection of small schools. M. Frederick asked if the 75% vote required in Article 4 is in conflict with this language. S. Sanborn said he thinks we should leave out "unanimously." He thinks that should have been taken out.

T. Tallman asked about the part of Article 20 that talks about charges or assessments to NMEDs. Does it say that what a school charges for tuition is not the mean value across the district but what that particular school wants to charge? S. Sanborn said this is not about tuitioning students; it is about assessments to districts.

M. Frederick suggested changing the language about capital improvements in Article 8 to say the town shall compensate the district for capital improvements "except as described in Article 7" so a town wouldn't have to pay twice for roof work. S. Sanborn suggested adding "except those paid for by earmarked funds."

T. Sullivan moved to modify the second sentence in the third paragraph of Article 8 by adding "except those paid for by earmarked funds" after "all capital improvements and renovations completed after the formation of the Unified Union School District and prior to the sale to the town," to modify the first sentence of the second paragraph of Article 8 by removing the word "unanimously," and to approve the articles of agreement with those modifications, seconded by L. Miller.

K. McPherson said the union district could decide to build a new building to replace an existing one and then when the old building went back to the town the town could end up

spending more than intended. T. Sullivan explained that the town doesn't have to take the building back.

D. Whitcomb raised a point of order. He said the committee has already voted on the articles. If the motion is going to be reconsidered that should be put on the agenda for the next meeting. It should not be done at this meeting. B. Penberthy said she thinks it would be fine to adjust the earlier motion and finalize the articles with the suggested changes. T. Sullivan said we aren't doing anything that wasn't already warned. D. Whitcomb said we are reconsidering something that was already voted on. L. Miller asked, are we reconsidering or amending? B. Sander said this is a gray area. If this were a substantive change he thinks D. Whitcomb would be correct. He thinks the committee could vote to suspend the rules. This is simply a clarification in wording, not a substantive change. Probably as a safety measure this should be put on the next agenda for the committee to verify tonight's action. E. Beatty said the attorney has to look at the articles one more time since we have made some changes. The minor changes made this evening can be brought back to the board after review by the attorney. But the vote to accept the articles of agreement stands.

P. Laflamme said to cover all bases a vote on the proposed article revisions will be put on the next agenda but the committee will vote on the motion. **The motion was passed with D. Whitcomb opposed.** He said he voted against it because it was an illegal motion. He may challenge it down the road.

6. ***Setting Next Agenda and Meeting Beyond 12-8-15***

P. Laflamme said a vote on the articles will be on the next agenda, especially since there may be changes proposed by the lawyer. D. Whitcomb said tonight's motion should be put on the agenda for reconsideration. E. Beatty said she doesn't hear a request for reconsideration. We will get an opinion. Reconsideration is different from making a few adjustments to the documents. B. Penberthy said the agenda item for tonight was finalizing the articles of agreement. For the next agenda we could write "Final Approval of Articles of Agreement."

7. ***Adjourn***

P. Hayford moved to adjourn at 7:55 and the motion was seconded and passed.

Minutes submitted by Donna Griffiths