

1 H.193

2 Introduced by Representatives Masland of Thetford and Cheney of Norwich

3 Referred to Committee on

4 Date:

5 Subject: Education; supervisory unions; districts; purchasing

6 Statement of purpose of bill as introduced: This bill proposes to reverse the
7 presumption that a supervisory union and superintendent will perform certain
8 duties on behalf of the member districts except upon receipt of a waiver from
9 the Secretary of Education and instead would create the presumption that the
10 districts will perform the duties unless they enter into an agreement with the
11 supervisory union to do them on the districts' behalf.

12 An act relating to duties performed by supervisory unions on behalf of
13 member districts

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 16 V.S.A. § 261a(a) is amended to read:

16 (a) Duties. The board of each supervisory union ~~shall~~:

17 (1) shall establish a supervisory union-wide curriculum, by either
18 developing the curriculum or assisting the member districts to develop it
19 jointly, and ensure implementation of the curriculum. The curriculum shall

1 meet the requirements adopted by the ~~state board~~ State Board under
2 subdivision 165(a)(3)(B) of this title;

3 (2) shall assist each school in the supervisory union to follow the
4 curriculum as adopted under the requirements of the ~~state board~~ State Board
5 pursuant to subdivision 165(a)(3)(B) of this title;

6 (3) if students residing in the supervisory union receive their education
7 outside the supervisory union, periodically shall review the compatibility of the
8 supervisory union's curriculum with those other schools;

9 (4) in accordance with criteria established by the ~~state board~~, State
10 Board, shall establish and implement a plan for receiving and disbursing
11 federal and state funds distributed by the ~~department of education~~ Agency of
12 Education, including funds awarded under P.L. 89-10, the Elementary and
13 Secondary Education Act of 1965 as amended;

14 (5) shall provide professional development programs or arrange for the
15 provision of them, or both, for teachers, administrators, and staff within the
16 supervisory union, which may include programs offered solely to one school or
17 other component of the entire supervisory union to meet the specific needs or
18 interests of that component; a supervisory union has the discretion to provide
19 financial assistance outside the negotiated agreements for teachers'
20 professional development activities;

1 (6) may provide, upon the unanimous vote of the supervisory union
2 board, special education services on behalf of its member districts and, except
3 as provided in section 144b of this title, compensatory and remedial services,
4 and shall provide or coordinate the provision of other educational services as
5 directed by the ~~state board~~ State Board or local boards; ~~provided, however, if a~~
6 ~~supervisory union determines that services would be provided more efficiently~~
7 ~~and effectively in whole or in part at the district level, then it may ask the~~
8 ~~commissioner to grant it a waiver from this provision;~~

9 (7) shall employ a person or persons qualified to provide financial and
10 student data management services for the supervisory union and, if
11 appropriate, for the member districts;

12 (8) may provide, upon the unanimous vote of the supervisory union
13 board, the following services for the benefit of member districts in a manner
14 that promotes the efficient use of financial and human resources, which shall
15 be provided pursuant to joint agreements under section 267 of this title
16 whenever feasible; ~~provided, however, if a supervisory union determines that~~
17 ~~services would be provided more efficiently and effectively in another manner,~~
18 ~~then it may ask the commissioner to grant it a waiver from this subdivision:~~

19 (A) manage a system to procure and distribute goods and operational
20 services;

21 (B) manage construction projects;

1 (C) provide financial and student data management services,
2 including grant writing and fundraising as requested;

3 (D) negotiate with teachers and administrators, pursuant to chapter 57
4 of this title, and with other school personnel, pursuant to 21 V.S.A. chapter 22,
5 at the supervisory union level; provided that:

6 (i) contract terms may vary by district; and

7 (ii) contracts may include terms facilitating arrangements between
8 or among districts to share the services of teachers, administrators, and other
9 school personnel;

10 (E) provide transportation or arrange for the provision of
11 transportation, or both in any districts in which it is offered within the
12 supervisory union;

13 (F) provide human resources management support; and

14 (G) provide other appropriate services according to joint agreements
15 pursuant to section 267 of this title;

16 (9) [Repealed.]

17 (10) shall submit to the town auditors of each member school district or
18 to the person authorized to perform the duties of an auditor for the school
19 district, on or before January 15 of each year, a summary report of financial
20 operations of the supervisory union for the preceding school year, an estimate
21 of its financial operations for the current school year, and a preliminary budget

1 for the supervisory union for the ensuing school year. This requirement shall
2 not apply to a supervisory district. For each school year, the report shall show
3 the actual or estimated amount expended by the supervisory union for special
4 education-related services, including:

5 (A) ~~A~~ a breakdown of that figure showing the amount paid by each
6 school district within the supervisory union; and

7 (B) ~~A~~ a summary of the services provided by the supervisory union's
8 use of the expended funds;

9 (11) on or before June 30 of each year, shall adopt a budget for the
10 ensuing school year; and

11 (12) shall adopt supervisory union-wide truancy policies consistent with
12 the model protocols developed by the ~~commissioner~~ Secretary.

13 (13)–(17) [Repealed.]

14 Sec. 2. 16 V.S.A. § 242 is amended to read:

15 § 242. DUTIES OF SUPERINTENDENTS

16 The superintendent shall be the chief executive officer for the supervisory
17 union board and for each school board within the supervisory union, and shall:

18 * * *

19 ~~(3)(A) nominate a candidate for employment by the school district or~~
20 ~~supervisory union if the vacant position requires a licensed employee;~~

1 ~~provided, if the appropriate board declines to hire a candidate, then the~~
2 ~~superintendent shall nominate a new candidate;~~

3 ~~(B) select nonlicensed employees to be employed by the district or~~
4 ~~supervisory union; and~~

5 ~~(C) dismiss licensed and nonlicensed employees of a school district~~
6 ~~or the supervisory union as necessary, subject to all procedural and other~~
7 ~~protections provided by contract, collective bargaining agreement, or provision~~
8 ~~of state and federal law recommend that the school board employ or dismiss~~
9 ~~licensed and nonlicensed individuals necessary to perform the work of the~~
10 ~~school district;~~

11 (4)(A) provide data and information required by the ~~commissioner~~
12 Secretary;

13 (B) report all financial operations within the supervisory union to the
14 ~~commissioner~~ Secretary and ~~state board~~ State Board for the preceding school
15 year on or before August 15 of each year, using a format approved by the
16 ~~commissioner~~ Secretary; and

17 (C) ~~report all financial operations for each member school district to~~
18 ~~the commissioner and state board for the preceding school year on or before~~
19 ~~August 15 of each year, using a format approved by the commissioner; and~~
20 [Repealed.]

1 (D) prepare for each district an itemized report detailing the portion
2 of the proposed supervisory union budget for which the district would be
3 assessed for the subsequent school year identifying the component costs by
4 category and explaining the method by which the district's share for each cost
5 was calculated; and provide the report to each district at least 14 days before a
6 budget, including the supervisory union assessment, is voted on by the
7 electorate of the district;

8 * * *

9 Sec. 3. 16 V.S.A. § 563 is amended to read:

10 § 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE IF BUDGET
11 EXCEEDS BENCHMARK AND DISTRICT SPENDING IS ABOVE
12 AVERAGE

13 The school board of a school district, in addition to other duties and
14 authority specifically assigned by law:

15 * * *

16 (2) May take any action, ~~which that~~ that is required for the sound
17 administration of the school district. The ~~commissioner~~ Secretary, with the
18 advice of the ~~attorney general~~ Attorney General, upon application of a school
19 board, shall decide whether any action contemplated or taken by a school
20 board under this subdivision is required for the sound administration of the

1 district and is proper under this subdivision. The ~~commissioner's~~ Secretary's
2 decision shall be final.

3 * * *

4 (9) Shall establish with the advice and consent of the ~~auditor of accounts~~
5 Auditor of Accounts and the ~~commissioner~~ Secretary, a system of accounts for
6 the proper control and reporting of school district finances and for stating the
7 annual financial condition of the school district.

8 * * *

9 (13) ~~[Repealed.]~~ Shall report to the Secretary and State Board on or
10 before August 15 of each year all financial operations for the school district for
11 the preceding school year using a format approved by the Secretary, and shall
12 provide a copy to the superintendent.

13 * * *

14 Sec. 4. REPEAL; AUDITORS

15 Secs. 18–31 (audits) and 38(a) (effective date) of 2012 Acts and Resolves
16 No. 129 are repealed.

17 Sec. 5. EFFECTIVE DATE

18 This act shall take effect on July 1, 2013.