



APPROVED BY THE BOARD DECEMBER 13, 2016

**BURLINGTON BOARD OF SCHOOL COMMISSIONERS
GOVERNANCE, POLICY & ADVOCACY COMMITTEE MINUTES
November 22, 2016**

Board Committee: Liz Curry (chair); Mark Barlow; Susanmarie Harrington

Administration: Laura Nugent, Director of Student Support Services;
Stacie Curtis, Director of Early Education; Nate Lavery, Director of Finance; Yaw
Obeng, Superintendent

1. The Chair called the meeting to order at 5:35 p.m.
2. Approval of Agenda
 - A. *Agenda amended by consensus*
3. Public Comment:
 - A. Comments and Questions from the Public: None
4. Advocacy
 - A. Mark Barlow discussed Act 60/68: his interest in this grew from a desire to understand why PILOT funds were no longer available to the district. These acts were adopted to change the way Vermont funds education. Formerly, some towns were paying too much because they didn't have enough property wealth; wealthy towns had low rates because property taxes were high. The Brigham decision led to a fundamental restructuring of the way education was funded. Whereas property taxes had been assessed and used locally, post-Brigham the state took over assessing taxes and distributing education funds (Act 60). In 2003, legislature addressed additional issues and passed Act 68, and then in 2004 Act 130 addressed issues in supervisory unions. Mark shared a short summary:

Notes on Vermont Public Education Funding

- Prior to 1997, Vermont public schools were funded principally by two means: local assessed property taxes and state aid through the Foundation Plan. Under the Foundation Plan, the state annually determined the minimum amount needed to provide a minimum-quality education program that complied with public school approval standards, known as the foundation cost. The Legislature would annually decide what a reasonable rate of local property taxation to raise the

foundation cost. The difference between a what a district could actually raise at the foundation tax rate and the foundation cost for all students in a district, was provided as state aid.

- In 1997 the Vermont Supreme Court heard a case, *Brigham v. State*, with three overlapping claims about the constitutionality of the State's method of financing public education and found for the plaintiffs on two of the three claims. (<http://vt.fyi/brigham-v-state-full-text/>)
- Act 60 also known as ***the Equal Educational Opportunity Act of 1997*** was the Legislative response to *Brigham v. State* and restructured the way public education is paid for in Vermont. Local funding was largely replaced by State funding scheme in an attempt to address inequity in educational opportunity across school districts. (<http://vt.fyi/act-60-1997-full-text/>)
- Act 68 was passed in 2003 as a refinement of Act 60 to address some of the imbalances that arose from Act 60 and with the stated intention of reducing the reliance on property tax for education funding and eliminating the need or incentive for towns to engage in private fundraising to avoid education tax obligations. (<http://vt.fyi/act-68-2003-full-text/>)
- Act 130 passed in 2004 addressed funding refinements for Supervisory Districts.
- In 2016 Vermont had between 86 and 87 thousand students enrolled pre-k through grade 12, representing about 89 thousand equalized pupils for the purposes of funding. The State Education Fund was about \$1.5 Billion, of which about \$1.2 Billion funds Education Spending and the remainder funds categorical grants and operating expenses. Examples of categorical grants are Special Education and Transportation.
- In FY16 BSD had about 4000 students enrolled pre-k through grade 12 and almost 4200 equalized pupils. BSD had a budget of approximately \$80 Million (\$18,948 per equalized pupil - state average was \$18,427 - BSD rank was 97/278). BSD had Education Spending of \$58 Million (\$13,838 per equalized pupil - state average was \$14,421 - BSD rank was 169/278).

Some useful references:

- [Vermont's Education Funding System](#), a 2013 Vermont Department of Education white paper
- Public Assets' [A Citizen's Guide to School Funding](#)

State Education Fund is about 1.5 billion dollars/year. It accounts for 90% of education spending (other 10% comes from federal and local sources). 1.2 billion of that is "education spending." *Education spending* is the part of the budget that doesn't have a specific funding source. The amount we ask for per equalized pupil is what drives the tax rate. Difference between what we spend and what we ask for it because we have other sources of funding (e.g. federal funds: Title 1 (students in poverty): Title 2 (professional development); Title 3 (English language learners) that let us spend more without affecting the tax rate, but can only be used for targeted purposes. Only viable strategies for reducing tax rate are increasing number of equalized pupils or shifting expenses from education spending (with or without reducing services). State is allowing some other towns to keep local funding, but did not allow us to.

There are two titles in Vermont law that are relevant, most particularly Title 16 on education. The education funding formula is codified in section 4010; PILOT restrictions are in 4029. H770 was introduced last year by Kurt Wright but it did not proceed.

Formula for education spending is in VSA Title 16 Chapter 133 Section 4010 : [State Funding of Education](#). A student without any weighted factors counts as 1. There is additional funding weight for membership in various categories

- Pre-kindergarten students count as .46
- Secondary students (grades 7+) weight 1.13
- English language learners are weighted an additional .2

Note: since we ran a pre-K program before Act , we will not see very much growth in our equalized pupil numbers. Future action note: **we should advocate for better identification of pre-K students as ELL or FRL-eligible**. Note that changing the formula is a zero-sum game: if we are advocating for changes that benefit us, we will need a coalition. Arguing for things that benefit us more than other districts is a harder sell.

Chapter 129: state aid for construction costs could be an area for future advocacy. There may be a queue for schools waiting for construction. This is an area to understand better for the future.

We will return to the issue of advocacy in January. We should make a plan and identify the opportunities for advocacy, and then invite others--community members,

legislators--to help move the process forward. Committee needs one more conversation to identify internal priorities.

5. Technology Policy

A. Responsible Computer, Network & Internet Use - Post 10 Days Before Adoption

As there were no comments from other commissioners at the November board meeting, we will move the policy for adoption.

6. Board Committees

A. Edited policy in light of November commissioner comments; will bring forward for second reading in December.

8. Transgender and Gender Nonconforming Student Policy: will discuss in January

9. Future Business: we will need to update our policy on graduation requirements.

10. Adjournment

A. *Meeting adjourned at 6:55 pm.*

Respectfully submitted by Susanmarie Harrington