

Report on Act 129 of 2012

Section 34; 16 V.S.A. §822a (m)

REPORT

**February 3,
2015**

**Report/Recommendations to the House and
Senate Committees on Education**

Submitted by Secretary of Education

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Legislation Reporting Requirement

[Act No. 129 of 2012](#)

Act 129, Sec. 34 re-codified Public High School Choice, from 16 V.S.A. §§1621 and 1622, to 16 V.S.A. 822a. Section 822a (m) requires the Agency of Education to:

“[R]eport annually in January to the senate and house committees on education on the implementation of public high school choice as provided in this section, including a quantitative and qualitative evaluation of the program's impact on the quality of educational services available to students and the expansion of educational opportunities.”

I. Background

Given the legislature's decision not to require annual reports on high school choice (grades 9 – 12) as of 2009, the Agency has since collected limited data, including only the number of students taking part, and by gender, grade, and whether they are eligible to receive Free or Reduced Price Lunches (FRL). Factors that had been covered through 2008 included those attending tech centers, those receiving special education, and English language learners. In addition, earlier reports included the numbers of students applying for school choice and whether (because schools were allowed to set limits) they were allowed to transfer from their schools or to enter other schools.

The most [recent report](#) was submitted on May 5, 2014. It was the most substantive edition since January 2008. Given the breadth of last year's report, with longitudinal school choice data for the areas covered, reviewing it provides a useful context for this year's report.

Two important notes from last year were: (1) the 2014 report was the first since the most significant change enacted in school choice legislation since 2000: students were no longer limited to choices within regions; and (2) due to limited staffing in the Agency, "qualitative" information was provided primarily through contacts with a number of experienced administrators in supervisory unions and schools. Given that the Agency's staffing limitations still apply, we have again requested information from those working in the field. Please see III, p.10.

Implementation of high school choice has continued to reside at local and regional levels, even as Act 129 provided for statewide choice. Local and regional staff put into effect the provision allowing students to apply to any other public high school in the state.

II. Implementation, School Year 2014 – 2015 (SY2015)

A. Participation by Students

Participation rose from 370 in SY2014 to 381 this year, a three percent increase, representing 1.6 percent of the 23,753 students in grades 9 – 12. The rates of participation for SY2015 are included in Table 1 below:

Table 1: Participation in School Choice SY2015, alphabetical

Public School Choice Data – 16 V.S.A. § 822a								
Schools offering grades 9 - 12 Count = 61	Total Enrollment N = 61	Grade Configuration	9-12 Enrollment	Sent N = 53	Received N = 52	Net Gain N = 29	Net Loss N = 28	Neutral N = 4
Totals	28,974		24,194	376	381	191	-186	
Arlington Memorial High School	218	6-12	114	3	4	1		
Bellows Falls UHS #27	341	9-12	341	29	2		-27	
Bellows Free Academy HS (Fairfax)	329	9-12	329	6	8	2		
Bellows Free Academy UHS #48	1,030	9-12	1,030	2	14	12		
Black River US #39	182	7-12	129	7	2		-5	
Blue Mountain US #21	386	PK-12	111	8	1		-7	
Brattleboro UHS #6	823	9-12	823	1	17	16		
Burlington Senior High School	1,067	9-12	1,067	15	15			0
Cabot School	171	PK-12	63	3	1		-2	
Canaan Schools	184	PK-12	68	0	0			0
Champlain Valley UHS #15	1,247	9-12	1,247	14	27	13		

Chelsea Elem. High School	192	K-12	72	0	1	1		
Colchester High School	713	9-12	713	16	8		-8	
Concord Graded/High School	204	PK-12	64	3	0		-3	
Craftsbury Schools	161	PK-12	70	2	5	3		
Danville School	328	PK-12	108	0	2	2		
Enosburg Middle-High School	420	6-12	313	0	7	7		
Essex High School	1,285	9-12	1,285	11	18	7		
Fair Haven UHS #16	434	9-12	434	18	7		-11	
Green Mountain UHS #35	348	7-12	225	3	11	8		
Hartford High School	558	9-12	558	0	3	3		
Harwood UHS #19	542	9-12	542	2	6	4		
Hazen UHS #26	367	7-12	246	4	1		-3	
Lake Region UHS #24	346	9-12	346	9	19	10		
Lamoille UHS #18	554	9-12	554	11	7		-4	
Leland And Gray UHS #34	362	7-12	243	3	15	12		
Middlebury Union High School	586	9-12	586	3	15	12		
Mill River UHS #40	522	7-12	381	4	13	9		
Milton High School	524	9-12	524	3	1		-2	
Missisquoi Valley UHS #7	851	7-12	587	19	2		-17	
Montpelier High School	283	9-12	283	3	9	6		
Mt Abraham UHS #28	754	7-12	498	19	0		-19	
Mt Anthony Sr UHS #14	989	9-12	989	4	3		-1	
Mt Mansfield USD #17	850	9-12	850	8	9	1		
North Country UHS #22A	836	9-12	836	22	9		-13	
Northfield Middle/High School	308	6-12	167	10	3		-7	
Otter Valley UHS #8	542	7-12	362	12	2		-10	
Oxbow UHS #30	390	7-12	292	2	8	6		
Peoples Academy	249	9-12	249	8	0		-8	
Poultney High School	223	7-12	152	5	4		-1	
Proctor Jr/Sr High School	135	7-12	94	5	5			0
Randolph UHS #2	445	7-12	303	1	3	2		
Richford Jr/Sr High School	225	7-12	158	3	0		-3	
Rivendell Academy	207	7-12	130	0	1	1		
Rochester School	142	PK-12	55	1	0		-1	
Rutland High School	871	9-12	871	8	22	14		
So Burlington High School	851	9-12	851	5	25	20		
So Royalton Elem/High School	347	PK-12	139	1	2	1		
Spaulding UHS #41	731	9-12	731	9	2		-7	
Springfield High School	459	9-12	459	2	1		-1	
Stowe Middle/High School	408	6-12	234	0	6	6		
Twin Valley High School	156	9-12	156	5	0		-5	
Twinfield USD #33	379	PK-12	113	4	4			0

U32 UHS #32	781	7-12	542	3	10	7		
Vergennes UHS #5	511	7-12	348	8	9	1		
West Rutland School	327	PK-12	94	5	2		-3	
Whitcomb Jr/Sr High School	129	7-12	83	2	0		-2	
Williamstown Middle/High School	315	6-12	194	7	2		-5	
Windsor High School	277	7-12	209	3	0		-3	
Winooski High School	203	9-12	203	12	4		-8	
Woodstock Sr. UHS #4	376	9-12	376	0	4	4		

1. Gender

This year, 203 choice students (53 percent) were female, and 178 were male. Of all high school students in the state, just over 48 percent were female.

2. Free and Reduced Price Lunch Eligibility (FRL)

This year, 33 percent of all high school students across the state were eligible to receive FRL; 29 percent of school choice students are eligible. By gender, 33 percent of females, statewide, are eligible for FRL, while 32 percent of female choice students are. Statewide, 33 percent of males are eligible, while 26 percent of males in school choice are.

For all school choice students this year, 59 percent of those eligible for FRL are female. Last year, that figure was 55 percent. As a measure of gender and poverty, that almost 60 percent of FRL choice students are female is noteworthy. Were a full qualitative study undertaken for the school choice program, this would be worth attention.

3. Grade Level

This year, the spread of students across the grades was progressive, as follows:

- 9th – 17%
- 10th – 23%
- 11th – 27%
- 12th – 32%

This distribution was the same as the one in SY2010. While overall high school grade enrollments have gradually declined over time, in most cases statewide, participation in choice by grade has varied.

The only anomaly this year is that 62 percent of the 123 school choice seniors are female.

B. School Participation in Choice

This year, of 61 high schools, 52 received students through school choice; 53 sent students to other schools. One school, Canaan, neither sent nor received, likely due to the next closest high school being approximately an hour away. In SY2014, 57 schools received students.

Of the nine schools that have no enrolled school choice students, all but one had enrollments below the state median high school enrollment of 303.

All but two of the nine schools (Windsor and Twin Valley) with no choice enrollments were in Central Vermont (4) and the Northeast Kingdom (3).

C. Attendance in Schools in SY2014 and SY2015: Increases, Decreases, and No Change

Of the 52 schools where students are enrolled through choice, 29 have increased choice enrollments over last year (SY2014), 16 have decreased, and seven have not changed. While most changes are small, the largest increase of choice students was seven students, at Essex High School; the largest decrease was 11, at Burlington High School.

1. Size of Schools

In relation to school size, the median grades 9 – 12 enrollment for the state is 303 students. Table 2 lists the high schools by increasing total enrollment, with the grade 9-12 enrollment also shown.

Table 2: Participation in School Choice SY2015, by total enrollment

Schools offering grades 9 - 12 Count = 61	Total Enrollment N = 61	Grade Configuration	Grades 9-12 Enrollment	Sent N = 53	Received N = 52	Net Gain N = 29	Net Loss N = 28	Neutral N = 4
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Essex High School	1,285	9-12	1,285	11	18	7		

a. Net receiving schools

Net receiving schools all had enrollments greater than 360 students. See Appendix A for a complete list.

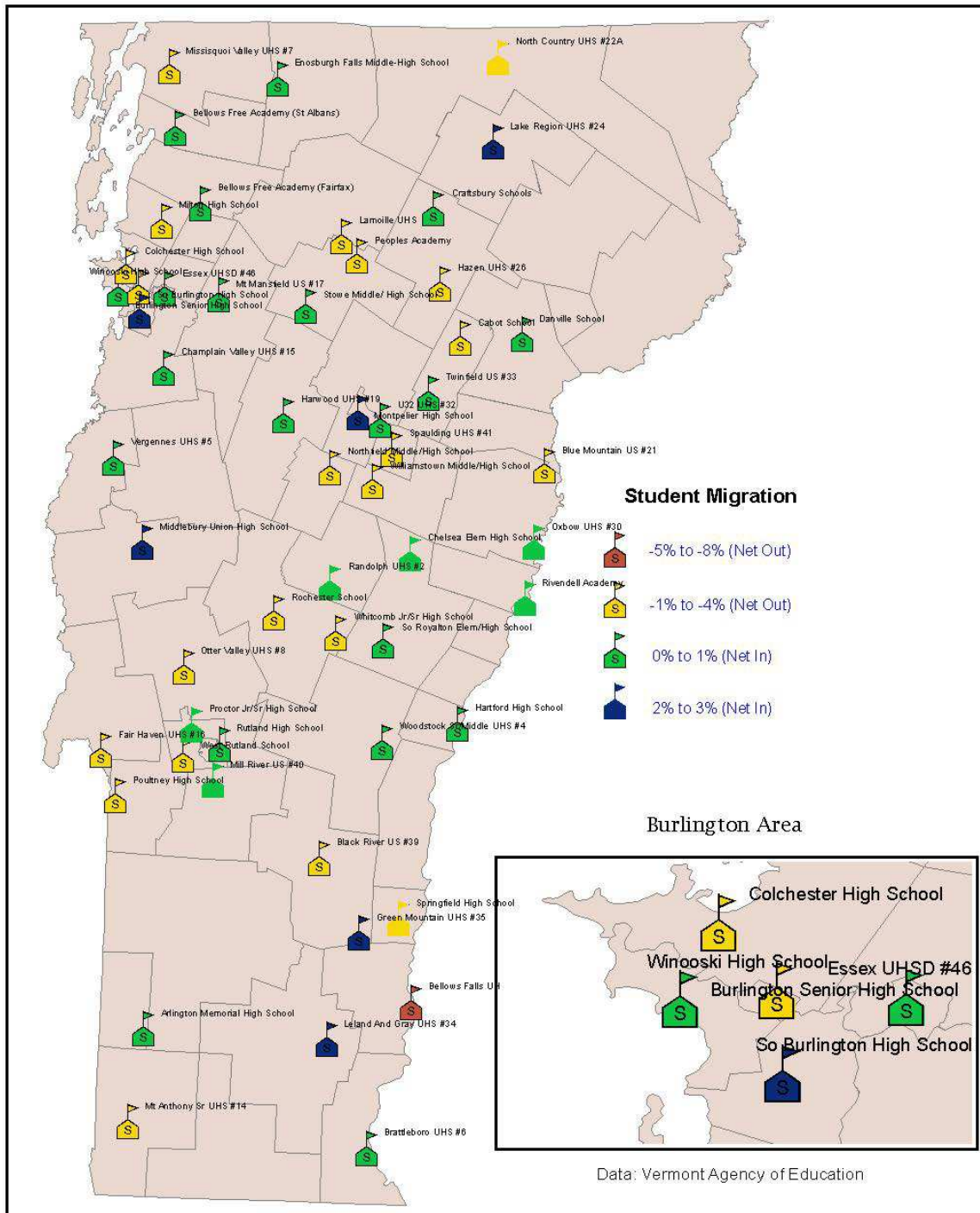
b. Net sending schools

The majority of net sending schools have enrollments smaller than 360. See Appendix B for a complete list.

2. Location of Schools participating in School Choice and Migration Patterns

See map on following page:

Public High School Choice Net Migration FY15 16 VSA §822a



3. Schools with Highest and Lowest Enrollments This Year

The following nine schools (15 percent of 61 high schools) enroll 45 percent of the total, 173 out of 381 choice students:

CVU	27	Brattleboro	17
So. Burlington	25	Burlington	15
Rutland	22	Leland & Gray	15
Lake Region	19	Middlebury	15
Essex	18		

The following schools enrolled 41 percent of the school choice population last year, 152 students.

South Burlington	32	Green Mountain	17
CVU	28	Lake Region	16
Burlington	26	Bellows Free (St. A)	15
Rutland	18		

III. Implementation Reported by Schools in SY2015

This year's report has benefitted from contact with representatives from five areas of the state, including superintendents and those engaged with the choice process at schools. Below are complete data from 26 schools, and partial data from 17 more. "Partial data" reflects school choice activity beyond boundaries of older, formal school choice regions. There are also comments and recommendations from six individuals.

Readers are asked to appreciate the fact that, while the information provided here is of value, it's clear that Agency staff responsible for preparing the report have not conducted a systematic study of the kind that the Department prepared through January 2008.

Participation by Schools and Students

We have received the following information from what had been formally called, before school choice became statewide last year, the 19-member (31 percent of 61 schools) Winooski Valley School Choice Collaborative (WVSCC), covering a large area in Central Vermont. In a broad sense, the experience of WVSCC this year is similar to that in SY2014. Tracy Martin, of U-32's Guidance Office, continues in her role (as she had done before formal regions ended) as the overall coordinator and keeper of data for the WVSCC program.

The 19 ‘original’ schools enrolled 103 students (52 were returning students from prior years), 34 percent of enrollees statewide in SY2015. 14 of the new 107 applicants, enrolled in 11 schools outside the original region. Six students, from two other schools outside the region, enrolled in three WVSCC schools. These 20 enrollments are clear signs that ‘statewide’ choice is being exercised by students.

Given a high degree of interest, and reflecting school boards’ determinations of capacity, only 51 students (47 percent of the 107 new applicants), were able to enroll at schools of their first, second, or third choices; 42 students, 39 percent, were put on waiting lists (and were not admitted) at U-32, Montpelier, and Stowe.

Of the 103 students, nine were admitted at either their second or third choices. And, of 107 new applicants, 11, seven percent (all from small schools), were unable to exercise choice due to transfer-out limits.

In the former Rutland Area Region, Rutland’s superintendent, Mary Moran, continues to coordinate the program for the seven schools and connects with other schools. Compared with 62 participants last year, 60 took part this year. Four of the 60 attend a school not within the original region, and one student enrolled from a school not within the region.

Another superintendent reported that patterns of transfers from the high school to others have not changed over the years, with none attending beyond the old region, or coming from schools not in the original region.

See the Appendix for comments and recommendations from the field.

IV. Agency of Education’s Responsibilities for Administration and Oversight of School Choice, SY2015

A. Fielding Inquiries

Agency staff responds as requested to administrative and legal questions relating to choice, from administrators, guidance staff, and families.

B. Common Dates for Application Process, January 2015

In response to questions and suggestions from administrators and staff in the field, and in cooperation with them, the Agency developed and distributed a memorandum, which covered two important parts of the application process:

- Common dates for schools to follow in the application process, based on statutory requirements (e. g., applications are due on March 1st and students’ acceptances are due April 15th) and reasonable steps in between, for the lottery process;

- Combined statutory requirement (February 1st for school boards to determine capacity to receive students each year) and a reasonable interpretation (also February 1st) of when boards shall make their discretionary determinations on the number of students allowed to transfer from their school

This memorandum was included in the Agency's Weekly Field Memo on January 14th, and was emailed to all principals and superintendents; it is also posted on the Agency's School Choice Web page.

C. Data Collection: Numbers of Students Transferring to and from Other Schools

AOE needs to collect data on student's first, second, and third choices along with any waiting lists sending schools may have.

Related to the preceding paragraph, the Agency, pursuant to 16 V.S.A. §242 (4)(A), will send a request for information to Business Managers, after April 15th, covering, for School Years 2014 and 2015:

Sending schools

- What was the limit set by the school board on transfers to other schools?
- How many students applied to attend another school?
- Was there a waiting list and, if so, how many could not go?

Receiving schools

- What was the capacity the high school board set for accepting school choice students for the coming school year?
- How many applications were there?
- How many did the high school accept and enroll?

The data received from the collection will be related to what data are reported in the fall census. As previously noted, they include only the number of students transferring to and from which schools, and their gender, FRL eligibility status, and grade.

D. School Choice Web Page

This winter, Agency staff has reviewed, reorganized, and revised all documents on the Public High School Choice Web page.

V. Agency Recommendations

A. Reporting Requirement

The law requiring this report, 16 V.S.A. §822a(m), provides the Agency of Education with an exemption from the following statute, 2 V.S.A. §20(d):

(d) Unless otherwise provided by law, whenever an agency is required by law to submit an annual, biennial, or other periodic report to the general assembly, that requirement shall no longer be required after five years or after five years from July 1, 2009, whichever date is later.

This report is the third report following the passage of Act 129 of 2012. It is the Agency's request that, given the amended school choice law and implementation of statewide choice has been in effect for only three years, the sunset provision in 2 V.S.A. § 20(d) not pertain to this report.. For more on this point, see B. below.

B. Quantitative and Qualitative Research

Given limited resources within AOE, to meet the extensive reporting requirement (in essence a restoration of the requirements in effect until School Year 2008-2009), it has not been possible to provide the in-depth qualitative data collection, analysis, and reporting.

Assuming that the education committees would value receiving the qualitative information with which to evaluate the implementation of high school choice, the Legislature may choose to fund a study similar to that undertaken for the 2005 report. That was the only full quantitative and qualitative study ever done on school choice. It is estimated that such a study would require \$50,000 – 60,000. There were 224 students in the program in School Year 2004 – 2005. Today, 381 take part.

Appendix A

Net Receiving Schools

Schools offering grades 9 - 12 Count = 61	Enrollment N = 61	Grade Configuration	Grades 9-12 Enrollment	Sent N = 53	Received N = 52	Net Gain N = 29
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Appendix B

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The following two sections contain information received by contacting school administrators, seeking both quantitative and qualitative information on the implementation of school choice during the current academic year. Some of what we asked for and received connected with the application season of last winter and spring. We did not seek, due to limited Agency resources, a representative sampling of school choice information.

Appendix C

Comments from the Field

The following are combined comments from six professionals in the field, involved with students, families, and staff in administering the school choice law.

1. Reasons for Changing Schools

One administrator, reflecting the extensive 2005 qualitative study by UVM faculty, said that convenience for parents is important; a fresh start and interest in attending a smaller school were also cited (though that is less true for the majority).

When a family decides to move, students may exercise choice to stay in their old school.

Choice is sometimes used for a student to attend where a parent teaches.

2. Statewide Choice

One administrator of a large school said that there is less statewide enrollment than he expected.

Appendix D

Recommendations from the Field

1. Outbound Transfer Limit

Administrator: The outbound transfer limit has prevented students from exercising choice; this should change.

2. Funding Following Students

Although not prohibited (see 16 V.S.A. 822a (g)(1)) no schools do this today.

Administrator 1: I am a strong proponent of having either the school of attendance counting the student in their ADM, or having money following the student. I don't see how we can really call it school choice otherwise.

Administrator 2: As a matter of public policy and fairness, the money should follow the child. This has a significant impact on our school. This has been the position our Board since the inception of choice. Another principal said that, with 19 more students enrolling in the school than transferring to other schools, this has a measureable financial impact.

Administrator 3: With all due respect to superintendents and educators who serve larger and less rural schools and systems, it is important to emphasize that "funds following students" is not universally supported and would have significant public policy implications for public education in Vermont as a whole. Such a change would encourage competition, without accountability for cost in the hands of the decision-makers (students and parents). This would most certainly drive up overall education expenditures and education property tax rates. It may also further stratify the economic divisions between the haves and the have-nots as choice is most accessible to those who have the means to travel to/from their school of choice.

Administrator 3 (cont.): And perhaps most importantly, it would advance a fundamental change in the purpose of secondary education in Vermont, from a focus on education as a public responsibility and benefit for all, to education for personal benefit at public expense. This shift in policy is significant and deserves broad and thoughtful consideration by many stakeholder groups if contemplated, and should not be undertaken without careful exploration of the implications.

3. Statewide Administration of School Choice

Reflecting on AOE's request from information from the field

Administrator: The administration of choice, as is the case with all responsibilities shared by the AOE and school administrators, needs to be managed with integrity and accuracy. It is important to reflect upon the adequacy of resources to ensure this is the case at all levels of the system, from AOE staffing to technical assistance and training for the field.

Most superintendents and principals grapple with one or more appeals, oversights in implementation, or complicated circumstances each year with regard to school choice. Are adequate resources available to ensure that administrators are supported and the process is fair and transparent for students and parents, and implemented with integrity, in the statewide context of choice?

4. Notice to Return to Home School, July 15th, is unfair

Administrator: We have a situation where a student who is attending here through school choice was considering returning to her district high school. That school said they could deny her re-entry, since they were not notified by July 15. AOE confirmed this rule. This makes little sense to me. This is her home district. If someone was moving in, they wouldn't be denied, so denying this student seems incongruent.

5. Determining Capacity to Receive Students

This area of school choice, significantly related to the funding issue, needs careful attention, so that all schools are operating under the same expectations; now, there isn't a uniform approach to determining, publicizing, and applying capacity.

7. Common Application

One administrator recommends that there be a common application statewide.

8. Dual Enrollment

Administrator: Dual enrollment is an issue. If a school choice student takes a dual enrollment class, we have to pay for that, despite receiving no funds. We looked into billing the home district and were told we could not.

END