

Local Government of the Future Subcommittee Advisory Commission on Intergovernmental Relations

Tuesday, January 26, 2021

Note: This document is ACIR staff notes written during this subcommittee meeting. It is a public document and has been provided to meeting participants for their review and revised in accordance with any comments received but is not approved minutes of the meeting.

A video recording is available at [NEED LINK TO ZOOM RECORDING](#)

Members present:

Luke Bronin, Maureen Brummett, John Filchak, Leah Grenier (alt.), Rick Hart, Martin Heft, Marcia Leclerc, James O'Leary, Francis Pickering, Lon Seidman, Brendan Sharkey (Chair), Bob Valentine, Lyle Wray (Vice-Chair)

Other Participants: Zak Leavy, Sheila McKay, Danny Medress, Teri Merisotis

ACIR staff: Bruce Wittchen

1. Call to order

Commission chair Sharkey called the meeting to order at 10:32, explained that this is a meeting of a subcommittee of the ACIR and provided an overview of this subcommittee's purpose.

2. Approval of draft minutes of the 1/7/2021 meetings

There was a brief discussion of whether the subcommittee needs approved minutes for its meetings and general agreement that meeting notes will be adequate. Bruce Wittchen will post the draft minutes as meeting notes.

3. Discussion of Local Government of the Future initiative

Commission chair Sharkey noted that a monthly meeting time has been scheduled for meetings such as this so that these can be considered regular, not special meetings. He said this meeting will focus on the school district sharing issue discussed but not resolved at this month's ACIR meeting. He noted that the other two legislative proposals have been vetted and are out of the ACIR. The goal today is to tie up the loose ends of the school district proposal.

Commission member Seidman said the big question is where the change should be put in the statutes. He provided an overview of the issue and described previous ACIR discussions, but explained that the change appears to belong in [CGS 10-240](#), not in [CGS 10-158a](#) as was previously discussed. He shared his screen to show the proposed addition to CGS 10-240 (in italics):

10-240 Control of Schools

Each town shall through its board of education maintain the control of all the public schools within its limits and for this purpose shall be a school district and shall have all the powers and duties of school districts, except so far as such powers and duties are inconsistent with the provisions of this chapter. *Two or more Boards of Education operating in a cooperative agreement under 10-158(a) may, following approval by the*

State Board of Education, have such cooperative agreement recognized as a single school district.

Commission member Seidman described the combination of boards of education in his and two neighboring towns, all of which operate their own elementary school and comprise a regional district for upper grades. He also explained the Supervision District they have formed to share services at the elementary level and described the history of supervision districts in the state. He also showed flow charts of the resulting administrative and budget processes. He continued with an overview of process by which a regional district is required to establish the per-student cost to be paid by each town. He noted the year-to-year variability in each town's special education needs and the differing impact their costs depending on whether that service is provided locally or regionally.

Commission member Seidman said the supervision district approach works but could be made more efficient. He noted that a similar approach could allow a city and its suburbs to share services and to address the problem of one district having a decreasing number of students while another has an increasing number. Commission member Seidman highlighted the need for a process for gaining consensus among participating districts and for maintaining relationships. He showed CGS 10-158a and noted how long it has been since a regional school district has been formed. A district cannot easily leave once it has joined. A new process would be helpful and less definition is better.

Commission chair Sharkey mentioned that legislation was proposed to enable cooperative districts like that based on the federal definition for a local education agency (LEA):

Local educational agency: As defined in ESEA, a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

<https://www.ed.gov/race-top/district-competition/definitions>

Commission member Seidman said the federal role has grown with the increased flow of federal education funding through the states. He noted that, according to the federal definition of LEAs, they must be the public school administrative agency recognized by the state and highlighted that CT only recognizes local and regional school districts in that manner. He described the challenges his and the two neighboring towns encountered in developing a transition program for children in their pre-K program entering kindergarten, even though children from all three towns were in the same room.

Commission member Seidman explained how the proposed change to CGS 10-240 is intended to work. Commission chair Sharkey asked if the change would have to apply to everything or if it can apply to a single service. Commission member Seidman said it is open to interpretation and said the statute regarding cooperative agreements is open-ended. His and the neighboring schools have been able to move specific services into their cooperative arrangement and to return them to the local districts if desired. The problem with the current arrangement is the complexity of reporting.

Commission chair Sharkey asked Commission member Seidman about the relationship of this issue to the ACIR's proposal to enable councils of government (COGs) and regional education service centers (RESCs) to do more regionally. Commission member Seidman said there is a place for both. He described how districts like his can share a physical therapy crew or a clinical program for autism.

There was further discussion of how the proposed language would work and Commission member Seidman pointed out that local school districts do not go away under such an arrangement.

Commission member Filchak said the approach makes a lot of sense. He noted that three towns in his area form [Regional School District 11](#) and, combined, have a population of less than 5000 and less than 150 in high school. The proposed change creates options. Commission alternate Grenier said the [state Dept. of Education](#) (SDE) is reviewing the proposed change. She noted that existing districts forming additional districts to provide shared services could greatly increase the total number of districts. Commission member Seidman said districts are talking about such sharing and pointed out that the state review required in the proposed language provides oversight.

There was a discussion of the difference between the previously proposed change to CGS 10-158a and the current proposal to make the change in CGS 10-240. The goal is to provide choice and flexibility. It was pointed out that towns would not be allowed to form a separate school for special education, but districts would be able to share a service under the framework of a separate district formed for shared services.

Commission member Filchak said this approach to sharing might exacerbate current inequities and Commission member Seidman said that is the reason for requiring state review. Commission member Bronin asked how this could create an even higher wall than is present now. Commission member Filchak said surrounding towns might reduce contact even further, but he does not know if the proposal could do that.

Commission member Sharkey said school districts might create a cocoon around themselves to shield themselves from a neighbor. Commission member Seidman said the current system does that and the state role would be to prevent that. He pointed out the demographic issues facing some school districts trying to keep their schools open.

Commission member Seidman was asked how the change would affect arrangements among his area's schools. He said full regionalization would reduce the number of separate boards; the advantage with the proposed change is that it would enable towns to leave a shared service when they want, something that is difficult after full regionalization. He pointed out that the ease of leaving creates pressure for the districts sharing a service to work together.

There was further discussion of current sharing arrangements and Commission member Seidman noted that teacher tenure is maintained when moving to the supervision district from one of the local districts. He said there are only such arrangements in the state. Every few years other districts will discuss such an arrangement. It works, but can be made better.

Commission chair Sharkey said that, to bring this to a conclusion, we are now proposing a change to CGS 10-240. He said it would be an education bill and pointed out that the ACIR primarily works through the [Planning & Development Committee](#) (PD). He can reach out to the PD co-chairs for their advice and noted that the PD committee can raise it and assign it to the Education Committee (ED), or the House can assign it to ED. He said ED would not be expecting this, but Commission member Seidman has provided it to Sen. Needleman. Commission member Seidman said he just learned the bill has been introduced and assigned LCO #2350 ([SB 446](#)). There was further discussion of that proposal.

Commission member Bronin asked if the [Capitol Region Education Council](#) (CREC) is classified as a school district and Commission vice chair Wray and member Brummett said it is a separate entity. Commission member Bronin suggested adding language enabling CREC or other [Regional Education Service Centers](#) (RESCs) to function as a district. Commission chair Sharkey explained that a legislative proposal developed at recent ACIR meetings would enable RESCs and [Councils of Governments](#) (COGs) to offer programs for municipalities and school districts.. Commission member Bronin said CREC would be an appropriate framework for a regional district in this area.

Commission member Seidman said the approach he has taken is intended to enable municipalities to have a service sharing agreement with an acceptable cost structure with the ability to negotiate the terms. He added that we should not throw out any ideas at this point. Commission member Filchak said the ACIR should also consider options for the 2022 legislative session and mentioned the work of the [Municipal Opportunities and Regional Efficiencies \(MORE\) Commission](#) and the 2015 [Report on Regional Cooperation Between Local Boards of Education](#) by the legislature's [former Office of Program Review and Investigation](#).

Commission vice chair Wray said he support looking into this further, pointing out that 2/3 of municipal spending is on education. We should look at the RESC language. There was further discussion of legal implications and potential roadblocks, with a preference for permissive language. Commission chair Sharkey recommended this suggestion be included in the 2021 work plan and said he will reach out to PD leaders. He recommended that people and their organizations prepare for public hearings on the bills developed by the ACIR.

4. Next steps

There was no further discussion of next steps.

5. Adjourn

A motion was made and seconded to adjourn the meeting and the meeting was adjourned at 11:41.

Minutes prepared by Bruce Wittchen, OPM