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H.39

Introduced by Representatives Scheuermann of Stowe, Bartholomew of
Hartland, Batchelor of Derby, Briglin of Thetford, Browning of
Arlington, Burditt of West Rutland, Coffey of Guilford,
Gamache of Swanton, Hashim of Dummerston, Higley of
Lowell, Jessup of Middlesex, LaClair of Barre Town, Leffler of
Enosburgh, Martel of Waterford, McFaun of Barre Town,
Morrissey of Bennington, Mrowicki of Putney, Page of
Newport City, Partridge of Windham, Patt of Worcester, Savage
of Swanton, Smith of Derby, Strong of Albany, Szott of
Barnard, Troiano of Stannard, and Yacovone of Morristown

Referred to Committee on

Date:

Subject: Education; school district mergers; State Board of Education order to
merge; extension of deadline

Statement of purpose of bill as introduced: This bill proposes to extend the
deadline for school district mergers ordered by the State Board of Education to
July 1, 2020.

19 An act relating to the extension of the deadline of school district mergers
20 required by the State Board of Education

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

2 ~~Sec. 1. SCHOOL DISTRICT MERGERS; STATE BOARD OF~~

3 EDUCATION ORDER

4 Notwithstanding any provision to the contrary of 2010 Acts and Resolves
5 No. 153, 2012 Acts and Resolves No. 156, and 2015 Acts and Resolves No.
6 46, each as amended:

7 (1) Merger deadline extension.

8 (A) Mergers into a newly formed district. A school district that is
9 formed by order of the State Board of Education under 2015 Acts and
10 Resolves No. 46, Sec. 10, as amended, shall become operational on July 1,
11 2020. The State Board of Education shall amend the default Articles of
12 Agreement included with the State Board's order to merge to accommodate
13 this time frame.

14 (B) Mergers into an existing district. The merger of a school district
15 into an existing district that is required by order of the State Board of
16 Education under 2015 Acts and Resolves No. 46, Sec. 10, as amended, shall be
17 effective on July 1, 2020; provided that a majority of the voters of the existing
18 district present and voting at an annual or special meeting warned for the
19 purpose approve the addition of that district to the existing district.

20 (2) Operations until merger. Until the merger under subdivision (1) of
21 this section becomes operational or takes effect, each school district that will

1 ~~merge shall continue to operate and shall take such action as is necessary or~~
2 ~~required by law to effect the merger.~~

3 (3) Draft Articles of Agreement. The school districts that are required
4 by the State Board order to merge into a newly formed district shall, on or
5 before July 1, 2019, form a committee with members appointed in the same
6 manner and number as required for a study committee under 16 V.S.A.
7 chapter 11 that shall draft Articles of Agreement for the newly formed district.
8 On or before October 31, 2019, the committee shall hold at least one public
9 hearing to consider and take comments on the draft Articles of Agreement.

10 (4) Approval of Articles of Agreement. The committee's draft Articles
11 of Agreement shall be submitted for approval by the voters of each school
12 district that is required by the State Board order to merge into a newly formed
13 district at an annual or special meeting warned for the purpose. If, on or
14 before March 31, 2020, the committee's draft Articles of Agreement are not
15 approved by a majority of the voters present and voting at a meeting warned
16 for the purpose of each school district that is required by the State Board order
17 to merge into the newly formed district, then the provisions in the State
18 Board's default Articles of Agreement shall apply to the newly formed district.

19 Sec. 2. EFFECTIVE DATE

20 ~~This act shall take effect on passage.~~

Sec. 1. SCHOOL DISTRICT MERGERS; STATE BOARD OF

EDUCATION ORDER

(a) Definitions. As used in this section:

(1) “Existing district” means a union school district created by vote of the electorate on or after July 1, 2014 into which a merging district is ordered by the State Board Order to merge, whether or not that merger is conditioned upon acceptance by the existing district of the merging district.

(2) “Forming district” means a school district that is ordered by the State Board Order to merge with other forming districts to create a newly formed district.

(3) “Merging district” means a school district that is ordered by the State Board Order to merge into an existing district.

(4) “Newly formed district” means a union school district that is formed by the State Board Order by merging forming districts.

(5) “State Board Order” means the section of the State Board Report entitled “State Board of Education’s ‘order merging and realigning districts and supervisory unions where necessary pursuant to Act 46, Sec. 10(b).’”

(6) “State Board Report” means the “Final Report of the Decisions and Order on Statewide School District Merger Decisions Pursuant to Act 46, Sections 8(b) and 10” issued by the State Board of Education dated November 28, 2018.

(7) "Study committee" means a study committee formed under 16 V.S.A. chapter 11.

(b) Notwithstanding any provision of law to the contrary:

(1) Deadline for mergers.

(A) A newly formed district shall become operational on July 1, 2019 if each forming district was a member of a study committee that, on or after July 1, 2015 and on or before November 30, 2018, presented a proposal to the voters of each forming district to merge into a new union district.

(B) A newly formed district shall become operational on July 1, 2020 if each forming district was not a member of a study committee that, on or after July 1, 2015 and on or before November 30, 2018, presented a proposal to the voters of each forming district to merge into a new union district.

(C) The operational date of the merger of a merging district into an existing district that is not a modified unified union school district shall be July 1, 2020.

(D) The operational date of the merger of a merging district into an existing district that is a modified unified union school district, where, on or before November 30, 2018, the merger was accepted by the existing district, shall be July 1, 2019.

(E)(i) Except as provided in subdivision (ii) of this subdivision (E), the operational date of the merger of a merging district into an existing district

that is a modified unified union school district, where the merger is conditioned by the State Board Order upon the acceptance by the existing district of the merging district, shall be either July 1, 2019 or July 1, 2020. The school board of the existing district shall determine, by majority vote of members representing a quorum, the proposed date of merger, and shall submit to voters of the existing district a proposal to approve the admission of the merging district as a member of the existing district as of that date.

(ii) If the board of an existing district submitted a proposal to its voters on or after November 1, 2018 and on or before March 31, 2019 to approve admission of the merging district and the proposal included an operational date of July 1, 2019, then no further action by the board or the voters is required under this subdivision (E).

(2) Default Articles. For any newly formed district that has an operational deadline of July 1, 2020 under subdivision (1)(B) of this subsection, the default articles of agreement issued with the State Board Report are amended as follows:

(A) by striking out the date “July 1, 2019” wherever it appears and inserting in lieu thereof the date “July 1, 2020”; and

(B) by striking out the date “February 28, 2019” in Article 9(D)(ii)(b) and Article 14 and inserting in lieu thereof the date “July 1, 2019”.

(3) Authority to borrow. If the first budget of a newly formed district has not been approved by voters on or before June 30 for the next fiscal year, the school board may borrow funds necessary to enable it to operate the schools on a budget of up to 87 percent of the cumulative budget amount of the most recently approved school budgets of the forming districts. If the school board borrows money under this section, it shall determine how all funds shall be expended.

Sec. 2. 2015 Acts and Resolves No. 46, Sec. 10, as amended by 2017 Acts and Resolves No. 49, Sec. 8, is further amended to read:

Sec. 10. TRANSITION TO SUSTAINABLE GOVERNANCE

STRUCTURES; PROPOSAL; FINAL PLAN

* * *

(d) The statewide plan required by subsection (b) of this section shall include default Articles of Agreement to be used by all new unified union school districts created under the plan unless and until new or amended articles are approved.

* * *

(2) If the committee's draft Articles of Agreement are not approved within the 90-day period on or before July 1, 2019, then the provisions in the State Board's default Articles of Agreement included in the statewide plan shall apply to the new district.

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.