

1 H.186

2 Introduced by Representative Till of Jericho

3 Referred to Committee on

4 Date:

5 Subject: Education; Act 46; modified unified union school districts;

6 supervisory districts

7 Statement of purpose of bill as introduced: This bill proposes to confirm the
8 authority of the State Board of Education to adjust supervisory union
9 boundaries and discontinue supervisory unions in order to fulfill the purposes
10 of Acts 46 and 49 without wasteful litigation, and to confirm the right of
11 modified unified union school districts to be governed as supervisory districts.

12 An act relating to the right of modified unified union school districts to be
13 governed as supervisory districts

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

15 Sec.1. FINDINGS AND PURPOSE

16 (a) 2015 Acts and Resolves No. 46 (Act 46), as amended by 2017 Acts and
17 Resolves No. 49 (Act 49), established a process for facilitating school districts
18 to provide unified governance structures. These acts were based upon
19 legislative findings that fragmented governance structures harmed students and
20 taxpayers.

1 (b) The General Assembly reaffirms and incorporates by reference the
2 findings made in Sec. 1 of Act 46 and Sec. 1 of Act 49.

3 (c) Sec. 5 of Act 46 established that the preferred education governance
4 structure in Vermont is a district with unified governance, so that a single
5 governing body is responsible for the education of all resident students, except
6 for those students for whom tuition is paid and whose education is therefore
7 supervised by a different governing body.

8 (d) Sec. 8 of Act 46 directs the State Board of Education to approve the
9 continuation of a supervisory union only if that “is the best means of meeting
10 the goals set forth in Sec. 2 of this act in a particular region.”

11 (e) Sec. 8 of Act 46, 16 V.S.A. § 261, and other provisions of law grant the
12 State Board of Education authority to reconfigure and discontinue supervisory
13 unions.

14 (f) It is the intent of this act to explicitly confirm the authority of the State
15 Board of Education to adjust supervisory union boundaries and discontinue
16 supervisory unions in order to fulfill the purposes of Acts 46 and 49 without
17 wasteful litigation, and to confirm the right of modified unified union school
18 districts to be governed as supervisory districts.

1 Sec. 2. RIGHT OF MODIFIED UNION SCHOOL DISTRICTS TO
2 DISSOLVE SUPERVISORY UNIONS AND BECOME
3 SUPERVISORY DISTRICTS

4 (a) Notwithstanding any provision of law to the contrary, a school district
5 that on or after June 30, 2013 and on or before July 2, 2019 began to operate as
6 modified unified union school district under 2012 Acts and Resolves No. 156,
7 has a minimum average daily membership of 900 students, and would be
8 entitled to discontinue membership in a supervisory union and become a
9 supervisory district, as defined in 16 V.S.A. § 11, if one other member of the
10 supervisory union merged into the modified unified union school district under
11 Act 46, shall have the right to become a supervisory district in accordance with
12 this section. The process for the modified unified union school district to
13 become a supervisory district shall be as follows:

14 (1) The governing board of the modified unified union school district
15 shall vote to provide the other member of the supervisory union with the
16 opportunity to merge into the modified unified union school district on the
17 same terms and conditions afforded to the original members of the modified
18 unified union school district and shall hold that opportunity open for a period
19 of two years following the entry of a final order of the State Board of
20 Education under this subsection.

1 (2) The modified unified union school district shall file a plan with the
2 State Board of Education for the dissolution of the supervisory union. The
3 plan shall provide for the pro rata distribution, based upon equalized pupils, of
4 the assets of the supervisory union, net of depreciation, between the modified
5 unified union school district and the other school district in the supervisory
6 union. The plan shall provide for the dissolution of the supervisory union as of
7 the date of distribution of the assets. The date for dissolution of the
8 supervisory union and the distribution of its assets shall be July 1 of the next
9 calendar year following the order of approval by the State Board of Education.
10 The State Board of Education shall hold a hearing on the plan and shall enter
11 an order either approving or modifying the distribution of assets under the
12 standards established in this section. No appeal or challenge to the approved
13 plan of dissolution and distribution shall delay the date of its implementation.

14 (3) On the date of dissolution and distribution, the modified unified
15 union school district shall become a supervisory district with full authority and
16 responsibility for the education of its students. The supervisory district shall
17 assume the contracts of all supervisory union staff. If the other former member
18 of the supervisory union continues to provide education to any students within
19 its boundaries, the status of the supervisory district shall be unaffected and the
20 supervisory district shall have all rights and responsibilities assigned by law to
21 a supervisory district. If it continues to provide education to its students, the

1 other former member of the supervisory union shall bear all responsibility for
2 providing education to its students and shall have no claim to compel the new
3 supervisory district to provide any services or support. The other former
4 member of the supervisory union shall have no right to participate in the
5 governance of the supervisory district.

6 (b) Each district subject to this section shall fully honor the terms of all
7 collective bargaining agreements.

8 (c) Other than dissolving its supervisory union and becoming a supervisory
9 district with no responsibility for the education of students in the other former
10 member of the supervisory union, this section shall effect no change in the
11 operation of the former modified unified union school district. The
12 supervisory district shall continue to educate students in the grades within its
13 borders that it has previously educated and elect its governing board in
14 accordance with its approved Articles of Agreement and governing law.

15 (d) This section shall not affect the power of the State Board of Education
16 to make any other orders consistent with law to protect the educational needs
17 of students of the new supervisory district or the other former member of the
18 supervisory union; provided, however, that no such order may require actions
19 that are inconsistent with this subsection.

20 Sec. 3 EFFECTIVE DATE

21 This act shall take effect on passage.