

H.39

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

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

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

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(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.

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(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.

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Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.