

1 H.78

2 Introduced by Representatives Partridge of Windham, Brownell of Pownal,

3 Fegard of Enosburgh, Hashim of Dummerston, Masland of

4 Thetford, Morrissey of Bennington, Mrowicki of Putney, Page

5 of Newport City, Strong of Albany, Szott of Barnard, and

6 Yacovone of Morristown

7 Referred to Committee on

8 Date:

9 Subject: Education; school district mergers; State Board of Education order to
10 merge; moratorium

11 Statement of purpose of bill as introduced: This bill proposes to place a
12 moratorium on school district mergers ordered by the State Board of Education
13 until legal issues are adjudicated.

14 An act relating to placing a moratorium on school district mergers ordered
15 by the State Board of Education

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

17 Sec. 1. LITIGATION

18 On December 13, 2018, the Elmore-Morristown Unified Union School
19 District et al. filed a civil action against the Vermont State Board of Education,
20 and on December 20, 2018, the Athens School District et al. filed a civil action

1 against the Vermont State Board of Education et al., in Vermont Superior
2 Court, challenging the State Board of Education's order to merge school
3 districts under 2015 Acts and Resolves No. 46, as amended. These lawsuits
4 are referred to in this act as the "pending litigation."

5 Sec. 2. MORATORIUM ON SCHOOL DISTRICT MERGERS UNTIL
6 RESOLUTION OF PENDING LITIGATION AND APPROVAL BY
7 THE GENERAL ASSEMBLY

8 (a) Notwithstanding any provision to the contrary of 2010 Acts and
9 Resolves No. 153, 2012 Acts and Resolves No. 156, and 2015 Acts and
10 Resolves No. 46, each as amended, a moratorium is placed on all school
11 district mergers ordered by of the State Board of Education under 2015 Acts
12 and Resolves No. 46, Sec. 10, as amended, until date under subsection (b) of
13 this section.

14 (b) If the judiciary has rendered final judgment on all pending litigation
15 that is not appealed holding that the State Board's order has legal effect with
16 respect to certain or all school districts that filed the pending litigation, and if
17 the General Assembly subsequently issues a joint resolution approving the
18 creation, merger, and dissolution of school districts as ordered by the State
19 Board, then the State Board order shall take effect with respect to the creation,
20 merger, and dissolution of school districts approved in the joint resolution. In
21 determining whether to approve the creation, merger, and dissolution of school

1 districts as ordered by the State Board, the General Assembly shall give
2 substantial deference to the final judgment on the pending litigation and any
3 relevant votes of the electorate of school districts. The mergers approved by
4 the General Assembly shall take effect, and the newly formed districts
5 approved by the General Assembly shall become operational, on the later of:

6 (1) July 1, 2020;

7 (2) the next July 1 after the issuance of the joint resolution by the General
8 Assembly; or

9 (3) the date that is six months after the issuance of the joint resolution by
10 the General Assembly.

11 Sec. 3. EFFECTIVE DATE

12 This act shall take effect on passage.