

1 S.39

2 Introduced by Senators Pollina and Perchlik

3 Referred to Committee on

4 Date:

5 Subject: Education; school district consolidation; State Board of Education
6 merger order; voter approval

7 Statement of purpose of bill as introduced: This bill proposes to (i) require
8 voter approval of school district mergers ordered by the State Board of
9 Education and (ii) extend the deadline for these mergers to July 1, 2020.

10 An act relating to voter approval of school district mergers ordered by the
11 State Board of Education under Act 46

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

13 Sec. 1. SCHOOL DISTRICT MERGERS; VOTER APPROVAL

14 Notwithstanding any provision to the contrary of 2010 Acts and Resolves
15 No. 153, 2012 Acts and Resolves No. 156, and 2015 Acts and Resolves
16 No. 46, each as amended:

17 (1) Voter approval of mergers.

18 (A) Mergers into a newly formed district.

19 (i) School districts that voted against merger. The school districts
20 that are required by the State Board of Education order under 2015 Acts and

1 Resolves No. 46, as amended, to merge into a newly formed district shall not
2 merge if they had, prior to November 30, 2018, held a vote on a merger with
3 the same districts as specified in the State Board order and one or more of
4 those districts did not approve the merger. In this case, the district formed by
5 the State Board order is dissolved as a matter of law.

6 (ii) School districts that have not voted. The school districts that
7 are required by the State Board of Education order under 2015 Acts and
8 Resolves No. 46, as amended, to merge into a newly formed district and that
9 had not, prior to November 30, 2018, held a vote on a merger with the same
10 districts as specified in the State Board order shall, on or before July 1, 2019,
11 form a committee with members appointed in the same manner and number as
12 required for a study committee under 16 V.S.A. chapter 11 that shall draft
13 Articles of Agreement for the newly formed district. On or before October 31,
14 2019, the committee shall hold at least one public hearing to consider and take
15 comments on the draft Articles of Agreement. The committee's draft Articles
16 of Agreement shall be submitted for approval by the voters of each of these
17 school districts at an annual or special meeting warned for the purpose. The
18 merger shall only proceed if, on or before March 31, 2020, the committee's
19 draft Articles of Agreement are approved by a majority of the voters present
20 and voting at a meeting warned for the purpose of each of these school
21 districts. If the voters of any school district do not approve the committee's

1 Articles of Agreement, the newly formed district shall be dissolved on April 1,
2 2020 as a matter of law.

3 (B) Mergers into an existing district.

4 (i) School districts that voted against merger. Each school district
5 that is required by the State Board of Education order under 2015 Acts and
6 Resolves No. 46, as amended, to merge into an existing district shall not merge
7 if it had, prior to November 30, 2018, held a vote on a merger with the same
8 district as specified in the State Board order and did not approve the merger.

9 (ii) School districts that have not voted. Each school district that
10 is required by the State Board of Education order under 2015 Acts and
11 Resolves No. 46, as amended, to merge into an existing district and had not,
12 prior to November 30, 2018, held a vote on a merger with the same district as
13 specified in the State Board order shall, on or before October 31, 2019, hold at
14 least one public hearing to consider the Articles of Agreement of the existing
15 district. The Articles of Agreement of the existing district shall be submitted
16 for approval by the voters of each of these school districts at an annual or
17 special meeting warned for the purpose. The merger shall only proceed for a
18 school district if, on or before March 31, 2020:

19 (I) the existing district's Articles of Agreement are approved by
20 a majority of the voters present and voting at a meeting warned for the purpose
21 of that school district; and

1 (II) a majority of the voters of the existing district present and
2 voting at an annual or special meeting warned for the purpose approve the
3 addition of that district to the existing district.

4 (2) Merger deadline extension. A merger approved by voters under
5 subdivision (1) of this section shall be operational or take effect on July 1,
6 2020. Until the merger becomes operational or takes effect, each school
7 district that will merge shall continue to operate and shall take such action as is
8 necessary or required by law to effect the merger.

9 (3) Failure to act. A school district that is required by the State Board of
10 Education order under 2015 Acts and Resolves No. 46, as amended, to merge
11 and that fails to take any of the required actions under this act shall merge in
12 accordance with the State Board order, provided that the merger shall be
13 operational on July 1, 2020 and, in the case of a merger into an existing
14 district, the addition of the district is approved by a majority of the voters of
15 the existing district present and voting at an annual or special meeting warned
16 for the purpose. If the merger is into a newly formed district, the State Board's
17 default Articles of Agreement shall apply to the newly formed district and the
18 State Board shall amend the default articles of agreement to accommodate the
19 July 1, 2020 time frame.

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on passage.