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H.383

Introduced by Representatives Durfee of Shaftsbury and Nigro of Bennington

Referred to Committee on

Date:

Subject: Education; school districts; recall of directors

Statement of purpose of bill as introduced: This bill proposes to allow school districts to recall their elected school district board members.

An act relating to the recall of school district board members

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

Sec. 1. 16 V.S.A. § 561a is added to read:

§ 561a. RECALL OF BOARD MEMBERS

(a) Adoption of recall provision.

(1) School districts other than incorporated school districts.

(A) A school district, other than an incorporated school district, may adopt a recall provision of its elected board members in its organizational document, such as its articles of agreement.

(B) For an existing school district, the recall provision shall be approved in the manner set forth under law and its organizational document for making amendments to its organizational document, provided that the proposal

1 to adopt a recall provision may be made by the school district's board or by
2 petition of five percent of the voters of the school district.

3 (C) For a newly formed school district, the recall provision may be
4 included as part of the school district's organizational document, which shall
5 be approved in the manner set forth under law for approving the organizational
6 document.

7 (D) The school district board shall hold at least one public hearing at
8 least 30 calendar days prior to the meeting to vote on adopting a recall
9 provision proposal.

10 (E) Within 30 calendar days after approval of a recall provision
11 proposal the clerk of the school district shall notify the Secretary of Education.

12 (2) Incorporated school districts. An incorporated school district may
13 adopt a recall provision of its elected board members in its charter document in
14 accordance with, and subject to enactment by the General Assembly under,
15 17 V.S.A. § 2645. If a recall provision is approved after all stages of passage
16 under that section, then, within 30 calendar days after final approval, the clerk
17 of the school district shall notify the Secretary of Education.

18 (3) Secretary of Education duties. The Secretary of Education shall
19 maintain and post on its website the list of school districts that have adopted a
20 recall provision.

1 (b) Recall provision requirements.

2 (1) Petition. A recall petition clearly stating cause, signed by at least 30
3 percent of the legal voters of the school district and bearing their addresses,
4 shall be filed with the school district board within 15 calendar days of its issue.

5 (2) Special election. The school district board upon receipt of a valid
6 petition shall, after 60 calendar days, hold a special election with voting by
7 Australian Ballot to consider the recall of the school board member.

8 (3) Effect of recall. If the recall vote is approved by a majority of two-
9 thirds of the ballots cast at the election, the school board member named in the
10 petition shall, at that time, cease to hold the member's office, and the office
11 shall be considered vacant until filled in accordance with law and the school
12 district's organizational document.

13 (4) Limitation on recall. A recall petition shall not be brought against an
14 individual more than once during the individual's term of office.

15 Sec. 2. EFFECTIVE DATE

16 This act shall take effect on passage.