

1 H.727

2 Introduced by Committee on Education

3 Date:

4 Subject: Education; union school districts; unified union school districts;
5 exploration, formation, and organization

6 Statement of purpose of bill as introduced: This bill proposes to update the
7 education statutes on the exploration, formation, and organization of union
8 school districts and unified union school districts.

9 An act relating to the exploration, formation, and organization of union
10 school districts and unified union school districts

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

12 ~~Sec. 1. 16 V.S.A. chapter 11, subchapter 1 is redesignated to be chapter 9,~~

13 ~~subchapter 6 to read:~~

14 ~~Subchapter 16. GENERALLY; CONTRACTS BETWEEN DISTRICTS TO~~
15 ~~OPERATE SCHOOLS JOINTLY~~

16 ~~§ 571. CONTRACTS TO CONSTRUCT AND OPERATE JOINT SCHOOLS~~

17 ~~* * *~~

18 ~~§ 572. JOINT BOARDS FOR JOINT, CONTRACT, OR CONSOLIDATED~~
19 ~~SCHOOLS~~

20 ~~§ 573. UNIFIED UNION SCHOOL DISTRICTS~~

1 ~~Sec. 2. REPEAL~~

2 ~~16 V.S.A. chapter 11 (union schools) is repealed on July 1, 2022.~~

3 Sec. 3. 16 V.S.A. chapter 11 is added to read:

4 CHAPTER 11. UNION SCHOOL DISTRICTS

5 Subchapter 1. General Provisions

6 § 701. POLICY

7 It is the policy of the State to provide substantially equal educational
8 opportunities for all children in Vermont by authorizing two or more school
9 districts, including an existing union school district, to form a union school
10 district for the purpose of providing for the education of its resident students in
11 the grades for which it is organized, and for the new union school district to be
12 a body politic and corporate with the powers incident to a municipal
13 corporation, with all of the rights and responsibilities that a town school district
14 has in providing for the education of its resident students. Formation of union
15 school districts shall be designed to encourage and support local decisions and
16 actions that provide substantial equity of educational opportunities statewide,
17 lead students to achieve or exceed the State's Education Quality Standards,
18 maximize operational efficiencies, promote transparency and accountability,
19 and be delivered at a cost that parents, voters, and taxpayers value.

20 § 702. DEFINITIONS

21 ~~As used in this chapter.~~

1 ~~(1) "Board clerk" means the individual selected to be clerk of the board~~
2 ~~of a union school district by the members of the board from among their~~
3 ~~number pursuant to the provisions of sections 714 (initial members of union~~
4 ~~school district board), 729 (unified union district board members), and 747~~
5 ~~(union elementary and union high school district board members) of this~~
6 ~~chapter.~~

7 (2) "District clerk" means the individual elected as clerk of a union
8 school district by the voters of the district pursuant to the provisions of
9 sections 715 (union school district organizational meeting), 735 (unified union
10 school district officers and election), and 753 (union elementary and union
11 high school district officers and election) of this chapter.

12 (3) "Forming districts" means all school districts, including union
13 school districts, that are located within the geographical boundaries of a
14 proposed or voter-approved union school district prior to the operational date
15 of the union school district, which will potentially merge or have merged to
16 form the new union school district.

17 (4) "Member district" means a school district, which can be a union
18 school district, that is a member of a union elementary school district or a
19 union high school district for certain grades, prekindergarten through grade 12,
20 and is a distinct district organized to provide for the education of its resident

1 ~~students for all other grades, whether by operating one or more schools or~~
2 ~~paying tuition.~~

3 (5) “Operational date” means the date on which a union school district
4 formed pursuant to the provisions of this chapter assumes full and sole
5 responsibility for the education of all resident students in the grades for which
6 it is organized.

7 (6) “School district” means a school district organized as a town school
8 district, city school district, incorporated school district, or union school
9 district, unless clearly inapplicable.

10 (7) In addition to its plain meaning, “town” means a city or incorporated
11 village.

12 (8) In addition to its plain meaning, “town school district” means a city
13 school district, or incorporated school district, and does not mean a union
14 school district.

15 (9) “Town within a unified union school district” means each town
16 located inside the geographic boundaries of a unified union school district and
17 in which the district’s resident students live.

18 (10) “Transitional period” means the period of time beginning on the
19 day on which a union school district becomes a legal entity pursuant to section
20 713 (certification of votes) of this chapter and continuing until its operational
21 date.

1 ~~(11) “Unified union school district” means a union school district~~
2 ~~organized to provide for the education of the district’s resident students in all~~
3 ~~grades, prekindergarten through grade 12.~~

4 ~~(12) “Union elementary school district” and “union high school district”~~
5 ~~mean a union school district organized to provide for the education of the~~
6 ~~district’s resident students in fewer than all grades, prekindergarten through~~
7 ~~grade 12.~~

8 ~~(13)(A) “Union school district” means a municipality formed under the~~
9 ~~provisions of this chapter that is governed by a single publicly elected board~~
10 ~~and that is responsible for the education of students residing in two or more~~
11 ~~towns in the grades for which the district is organized by:~~

12 ~~(i) operating a school or schools for all grades;~~

13 ~~(ii) operating a school or schools for all students in one or more~~
14 ~~grades and paying tuition for all students in the remaining grade or grades; or~~

15 ~~(iii) paying tuition for all grades.~~

16 ~~(B) Use of the term “union school district” or “union district”~~
17 ~~includes a union elementary school district, union high school district, and~~
18 ~~unified union school district unless the context clearly limits it to fewer than~~
19 ~~all options.~~

20 ~~(14) “Weighted voting” means a system, sometimes used in the~~
21 ~~proportional to town population” model of union school district board~~

1 ~~membership set forth in subdivisions 711(d)(1), 711(e)(1), 730(e)(1),~~

2 748(a)(1), and 748(b)(1) of this chapter, where proportionality is achieved by
3 assigning a different number of votes to each board member.

4 § 703. APPLICATION OF OTHER LAWS AND ARTICLES OF AGREEMENT

5 (a) Other education laws. The provisions of this chapter are intended to be
6 in addition to the general provisions of law pertaining to schools, school
7 districts, and supervisory unions. General provisions of law shall apply to
8 union school districts unless inconsistent with or otherwise provided in this
9 chapter.

10 (b) Existing articles of agreement.

11 (1) If a union school district joins with other school districts to form a
12 new union school district pursuant to the provisions of sections 706–715
13 (process of exploration, formation, and organization of a union school district)
14 of this chapter, then the articles of agreement of the existing union school
15 district are repealed, and the articles of agreement of the new union school
16 district shall govern.

17 (2) If a union school district joins another existing union school district
18 pursuant to the provisions of section 721 (joining an existing union school
19 district) of this chapter, then the articles of agreement of the joining district are
20 repealed, and the articles of agreement of the enlarged union school district
21 shall govern, unless the districts agree otherwise.

1 ~~[Secs. 704, 705 reserved]~~

2 Subchapter 2. Exploration, Formation, and Organization

3 Article 1. Process

4 § 706. PROPOSAL TO FORM STUDY COMMITTEE; BUDGET AND
5 MEMBERSHIP

6 (a) Establishment of committee. When the boards of two or more school
7 districts vote to establish a study committee to study the advisability of
8 forming a union school district or are petitioned to do so by at least five
9 percent of voters in the school district, the boards shall meet with the
10 superintendent or superintendents of each school district. With the advice of
11 the superintendent or superintendents, the boards shall establish a budget for
12 the study committee's work and shall determine the number of persons to
13 serve on the study committee pursuant to subsection (b) of this section.

14 (b) Budget and membership. Each participating school district's share of
15 the established budget and membership on the study committee shall be the
16 same as the proportion of the school district's equalized pupils to the total
17 equalized pupils of all school districts intending to participate formally in the
18 study committee. As used in this subsection, "equalized pupils" has the same
19 meaning as in section 4001 of this title.

20 ~~(c) Existing union school districts.~~

1 ~~(1) Existing union elementary or union high school district; proposed~~
2 unified union school district. If the board of an existing union elementary or
3 union high school district votes to participate in a study committee to consider
4 formation of a unified union school district, or is petitioned by the voters to do
5 so, then:

6 (A) The interests of the existing union school district shall be
7 represented by its member districts on the study committee.

8 (B) Any warning and vote on the study committee budget pursuant to
9 section 707 of this chapter and the warning and vote on any resulting proposal
10 to form a unified union school district pursuant to section 710 shall be at the
11 member district level.

12 (C) If the existing union school district does not have any member
13 districts because all towns for which it is organized are members of both a
14 union elementary school district and a union high school district, then the
15 existing union school district shall represent its own interests on the study
16 committee, and the towns within it shall not participate on its behalf.

17 (D) If a town is a member of both a union elementary school district
18 and a union high school district, is not independently organized as a district
19 that is responsible for the education of students in any grade, and does not
20 have a town school district board, then notwithstanding other provisions to the
21 contrary.

1 ~~(i) To the extent possible, the boards of the union elementary and~~
2 union high school districts of which the town is a member shall make a
3 reasonable attempt, jointly, to appoint a member to the study committee who
4 resides in the town.

5 (ii) The legislative body or appropriate officer of the town shall
6 perform electoral functions, including warning meetings and conducting the
7 voting process, ordinarily performed by and in member districts on behalf of a
8 union school district.

9 (2) Existing unified union school district; proposed unified union school
10 district. If the board of a unified union school district votes to participate in a
11 study committee to consider formation of a new unified union school district
12 rather than the enlargement of the existing unified union school district
13 pursuant to section 721 (joining an existing union school district) of this
14 chapter, or is petitioned by the voters to do so, then:

15 (A) The existing unified union school district shall represent its own
16 interests on the study committee, and the towns within it shall not participate
17 on its behalf.

18 (B) To the extent possible, the board of the existing unified union
19 school district shall make a reasonable attempt to appoint members to the
20 study committee who reside in each town within the district.

1 ~~(C) Any warning and vote on the study committee budget pursuant to~~
2 ~~section 707 of this chapter and the warning and vote of the electorate on any~~
3 ~~resulting proposal to form a new unified union school district pursuant to~~
4 ~~section 710 shall proceed pursuant to the provisions for commingled~~
5 ~~Australian ballot voting as set forth in subchapter 3 (unified union school~~
6 ~~districts) of this chapter.~~

7 (3) Existing union elementary or union high school district; proposed
8 union elementary or union high school district. If the board of an existing
9 union elementary or union high school district votes to participate in a study
10 committee to consider formation of a new union elementary or union high
11 school district rather than enlarging the existing union school district pursuant
12 to section 721 (joining an existing union school district) of this chapter, or is
13 petitioned by the voters to do so, then:

14 (A) The existing union school district shall represent its own interests
15 on the study committee, and the member districts of the existing union school
16 district shall not participate on its behalf.

17 (B) To the extent possible, the board of the existing union school
18 district shall make a reasonable attempt to appoint members to the study
19 committee who reside in each of the member districts within the existing union
20 school district.

1 ~~(C) Any warning and vote on the study committee budget pursuant to~~
2 section 707 of this chapter and the warning and vote of the electorate on any
3 resulting proposal to form a new union elementary or union high school
4 district pursuant to section 710 of this chapter shall proceed pursuant to the
5 provisions for commingled Australian ballot voting as set forth in subchapter 4
6 (union elementary and union high school districts) of this chapter.

7 § 707. APPROVAL OF STUDY BUDGET; APPOINTMENT OF STUDY
8 COMMITTEE; PARTICIPATION

9 (a) Proposed budget exceeding \$50,000.00.

10 (1) If the proposed budget established in section 706 of this chapter
11 exceeds \$50,000.00, then subject to the provisions of that section the board of
12 each potentially participating school district shall warn the district's voters to
13 meet at an annual or special school district meeting to vote whether to
14 appropriate funds necessary to support the district's financial share of a study
15 committee's costs. The meeting in each school district shall be warned for the
16 same date. The warning in each school district shall contain an identical
17 article in substantially the following form:

18 Shall the school district of _____ appropriate funds necessary
19 to support the school district's financial share of a study to determine the
20 advisability of forming a union school district with some or all of the
21 following school districts. _____, _____, and _____? It is

1 ~~estimated that the _____ school district's share, if all of the identified~~
2 ~~school districts vote to participate, will be \$ _____ . The total~~
3 ~~proposed budget, to be shared by all participating school districts is \$~~
4 ~~_____."~~

5 (2) If the vote in subdivision (1) of this subsection is in the affirmative
6 in two or more school districts, then the boards of the affirming school districts
7 shall appoint a study committee consisting of the number of persons
8 determined pursuant to section 706 (proposed study committee budget and
9 membership) of this chapter. At least one current board member from each
10 participating school district shall be appointed to the study committee. The
11 board of a school district appointing more than one person to the study
12 committee may appoint residents of the school district who are not members of
13 the board to any of the remaining seats.

14 (3) The sums expended for study purposes under this section shall be
15 considered part of the approved cost of any project in which the union school
16 district, if created, participates pursuant to chapter 123 of this title.

17 (b) Proposed budget not exceeding \$50,000.00.

18 (1) If the proposed budget established in section 706 of this chapter does
19 not exceed \$50,000.00, then the boards of the participating school districts
20 shall appoint a study committee consisting of the number of persons
21 determined under that section. At least one current board member from each

1 ~~participating school district shall be appointed to the study committee. The~~
2 board of a school district appointing more than one person to the study
3 committee may appoint residents of the school district who are not members of
4 the board to any of the remaining seats.

5 (2) The sums expended for study purposes under this section shall be
6 considered part of the approved cost of any project in which the union school
7 district, if created, participates pursuant to chapter 123 of this title.

8 (c) Additional costs.

9 (1) If the voters approve a budget that exceeds \$50,000.00 but the study
10 committee later determines that its budget is likely to exceed the projected,
11 voter-approved amount, then the boards of all participating school districts
12 shall obtain voter approval for the amounts exceeding the previously approved
13 budget in the manner set forth in subdivision (a)(1) of this section before the
14 study committee obligates or expends sums in excess of the initial voter-
15 approved amount.

16 (2) If a proposed budget does not exceed \$50,000.00 at the time the
17 school boards appoint members to the study committee, but the study
18 committee later determines that its total budget is likely to exceed \$50,000.00,
19 then the boards of all participating school districts shall obtain voter approval
20 for the amounts exceeding \$50,000.00 in the manner set forth in subdivision

1 ~~(a)(1) of this section before the study committee obligates or expends funds in~~
2 ~~excess of \$50,000.00.~~

3 (d) Grants. Costs to be paid by State, federal, or private grants shall not be
4 included when calculating whether a study committee's budget or proposed
5 budget exceeds \$50,000.00.

6 (e)(1) Subsequent appointments of persons to the study committee;
7 vacancy. Subject to the requirement that each school board appoint at least
8 one current member of the board, the board of a participating school district
9 shall appoint a person residing in the school district to the study committee if
10 one of the school district's seats is vacant because a study committee member:

11 (A) is no longer a member of the school district's board and was the
12 sole board member appointed by that school district;

13 (B) has resigned from or is no longer able to serve on the study
14 committee; or

15 (C) has not attended three consecutive study committee meetings
16 without providing notice to the study committee chair of the reason for each
17 absence and obtaining a determination of the study committee members that
18 the absences were reasonable.

19 (2) Notice under subdivision (1)(C) of this subsection shall be given in
20 advance of absences whenever possible.

21 ~~(f) Formal participation in study committee.~~

1 ~~(1) A school district shall not be a formal participant in and appoint~~
2 ~~members to more than one study committee created under this chapter at any~~
3 ~~one point in time.~~

4 ~~(2) A school district shall not formally withdraw its participation in an~~
5 ~~existing study committee after the school district has appointed members to~~
6 ~~that committee until the study committee dissolves pursuant to subsection~~
7 ~~708(e) of this chapter.~~

8 ~~(g) Additional formal participants.~~

9 ~~(1) Subject to the provisions of subsection (f) of this section, a school~~
10 ~~district may join as an additional formal participant in a study committee after~~
11 ~~creation of the committee if:~~

12 ~~(A) the school district's board has requested the committee's~~
13 ~~approval to participate after either a vote of the school district's board or a~~
14 ~~petition by five percent of the school district's voters and if the study~~
15 ~~committee votes to approve formal participation by the district; or~~

16 ~~(B) the study committee has voted to ask the school district to~~
17 ~~participate formally and either the board of the school district votes to approve~~
18 ~~formal participation or is petitioned by five percent of the school district's~~
19 ~~voters to do so.~~

20 ~~(2) A school district that becomes a formal participant in an existing~~
21 ~~study committee pursuant to this subsection is subject to the provisions of~~

1 ~~section 706 (proposed study committee budget and membership) of this~~
2 ~~chapter regarding financial and representational proportionality and to all other~~
3 ~~requirements of study committees set out in this chapter.~~

4 ~~(h) Informal participation by other school districts.~~

5 ~~(1) The board of a school district that is not a formal participant in an~~
6 ~~existing study committee may authorize one or more of the board's members~~
7 ~~to contact the study committee to discuss whether it may be advisable to~~
8 ~~include the school district within a proposal to form a new union school~~
9 ~~district as an "advisable" district, as described in section 708 (necessary and~~
10 ~~advisable districts) of this chapter.~~

11 ~~(2) An existing study committee may authorize one or more of its~~
12 ~~members to contact the board of one or more additional school districts that~~
13 ~~are not formal participants in the committee to discuss whether it may be~~
14 ~~advisable to include the school district within a proposal to form a new union~~
15 ~~school district as an "advisable" district.~~

16 ~~(3) An existing study committee may invite representatives of a~~
17 ~~nonparticipating school district's board to participate informally in the study~~
18 ~~committee's deliberations.~~

19 ~~(4) Nothing in this section shall be construed to prohibit the board of a~~
20 ~~school district from authorizing informal exploration between and among the~~
21 ~~boards of school districts prior to the formation of a study committee.~~

§ 708. STUDY COMMITTEE; NECESSARY AND ADVISABLE

DISTRICTS; CONTENTS OF STUDY COMMITTEE REPORT AND

PROPOSED ARTICLES; DISSOLUTION OF COMMITTEE

(a) Study committee; process.

(1) The superintendent shall convene a study committee's first meeting when the committee's members are appointed. If the participating districts are members of more than one supervisory union, then the superintendents shall decide which of their number shall convene the meeting. The study committee members shall elect a chair who shall notify the Secretary in writing of the committee's creation and the chair's election within 30 days following the vote of the committee's creation.

(2) Staff of the supervisory union or unions shall provide administrative assistance to the study committee.

(3) The Secretary shall cooperate with the study committee and is authorized to make Agency staff available to provide technical assistance to the committee.

(4) The study committee is a public body pursuant to 1 V.S.A. § 310(4) and is subject to the requirements of 1 V.S.A. chapter 5, subchapter 2.

(5) Although a study committee should try to achieve consensus, committee decisions shall be reached by a majority of all committee members present and voting.

1 ~~(b) Necessary and advisable school districts. If a study committee decides~~
2 ~~to recommend formation of a union school district, then it shall determine~~
3 ~~whether each school district included in the recommended formation is~~
4 ~~“necessary” or “advisable” to formation.~~

5 (1) “Necessary” school district.

6 (A) The study committee shall identify a school district as
7 “necessary” to formation of the union school district only if the school district
8 is a formal participant in the study committee.

9 (B) Subject to the provisions of subsection 706(c) of this chapter, the
10 school board of a “necessary” school district is required to warn a vote of the
11 electorate under sections 710 (vote to form union school district) and 711
12 (initial members of union school district board election) of this chapter.

13 (C) A proposed union school district is formed only if the voters
14 voting in each “necessary” school district vote to approve formation.

15 (2) “Advisable” school district.

16 (A) The study committee may identify any school district as
17 “advisable” to formation of the union school district even if the school district
18 is not a formal participant in the study committee.

19 (B) The school board of an “advisable” school district is not required
20 to warn a vote of the electorate under sections 710 (vote to form union school
21 district) and 711 (initial members of union school district board election) of

1 ~~this chapter, except upon application of 10 percent of the voters in the school~~
2 ~~district.~~

3 ~~(C) Voter approval in an “advisable” district is not required for~~
4 ~~formation of a new union school district.~~

5 ~~(3) Existing union elementary or union high school district.~~

6 ~~Notwithstanding other provisions of this subsection, an existing union~~
7 ~~elementary or union high school district is “necessary” to the formation of a~~
8 ~~unified union school district even though its interests are represented by its~~
9 ~~member districts pursuant to subdivision 706(c)(1) (study committee budget~~
10 ~~and membership for existing union school districts) of this chapter.~~

11 ~~(c) Proposal to form union school district; report and proposed articles of~~
12 ~~agreement. If a study committee determines that it is advisable to propose~~
13 ~~formation of a union school district, then it shall prepare a report analyzing the~~
14 ~~strengths and challenges of the current structures of all “necessary” and~~
15 ~~“advisable” school districts and outlining the ways in which a union school~~
16 ~~district promotes the State policy set forth in section 701 of this chapter. The~~
17 ~~study committee shall also prepare proposed articles of agreement that, if~~
18 ~~approved pursuant to the provisions of this chapter, shall serve as the operating~~
19 ~~agreement for the new union school district. At a minimum, articles of~~
20 ~~agreement shall state.~~

1 (1) The name of any school district the study committee considers
2 “necessary” to formation of the proposed union school district.

3 (2) The name of any school district the study committee considers
4 “advisable” to include in the proposed union school district.

5 (3) The legal name or temporary legal name by which the union school
6 district shall be known.

7 (4) The grades, if any, that the proposed union school district will
8 operate and the grades, if any, for which it will pay tuition.

9 (5) The cost and general location of any proposed new school buildings
10 to be constructed and the cost and general description of any proposed
11 renovations to existing school buildings.

12 (6) A plan for the first year of the union school district’s operation for
13 transportation of students, assignment of staff, and use of curriculum that is
14 consistent with existing contracts, collective bargaining agreements, and other
15 provisions of law. The board of the union school district, if formed, shall
16 make all subsequent decisions regarding transportation, staff, and curriculum
17 subject to existing contracts, collective bargaining agreements, and other
18 provisions of law.

19 (7) A list of the indebtedness of each “necessary” and “advisable”
20 district, which the union school district shall assume.

1 (8) The specific pieces of real property of each “necessary” and
2 “advisable” district that the union school district shall acquire, their valuation,
3 and how the union school district shall pay for them.

4 (9) Consistent with the proportional representation requirements of the
5 Equal Protection Clause of the U.S. Constitution, the method or methods of
6 apportioning representation on the union school district board as set forth in
7 subsections 711(d) (unified union school district), (e) (union elementary or
8 union high school district), and (f) (weighted voting) of this chapter.

9 (10) The term of office for each member initially elected to the union
10 school district board, to be arranged so that one-third expire on the day of the
11 second annual meeting of the union school district, one-third on the day of the
12 third annual meeting, and one-third on the day of the fourth annual meeting, or
13 as near to that proportion as possible.

14 (11) The date on which the proposal to create the union school district
15 and the election of initial union school district board members will be
16 submitted to the voters.

17 (12) The date on which the union school district will be solely
18 responsible for the education of its resident students in the grades for which it
19 is organized and will begin operating any schools, paying any tuition, and
20 providing educational services.

1 ~~(13) Whether the election of board members, election of school district~~
2 ~~officers, votes on the union school district budget, or votes on other public~~
3 ~~questions, or any two or more of these, shall be by Australian ballot.~~

4 ~~(14) Any other matters that the study committee considers pertinent.~~

5 ~~(d) No proposal to form a union school district. If a study committee~~
6 ~~determines that it is inadvisable to propose formation of a union school~~
7 ~~district, then its members shall vote to dissolve the committee. If the study~~
8 ~~committee members vote to dissolve, then the chair shall notify the Secretary~~
9 ~~in writing of the vote.~~

10 ~~(e) Dissolution of study committee.~~

11 ~~(1) If a study committee proposes formation of a union school district~~
12 ~~pursuant to subsection (c) of this section, then the committee shall cease to~~
13 ~~exist when the clerk of each school district voting on a proposal to establish~~
14 ~~the union school district has certified the results of the vote to the Secretary~~
15 ~~pursuant to subsection 713(a) of this chapter.~~

16 ~~(2) If a study committee determines that it is inadvisable to propose~~
17 ~~formation of a union school district, then the committee shall cease to exist~~
18 ~~when the chair notifies the Secretary of the committee's vote pursuant to~~
19 ~~subsection (d) of this section.~~

~~§ 700. REVIEW BY LOCAL SCHOOL DISTRICT BOARDS.~~

CONSIDERATION AND APPROVAL BY STATE BOARD OF
EDUCATION

(a) If a study committee determines that it is advisable to propose formation of a union school district, then the committee shall transmit its report and proposed articles of agreement to the school board of each school district that the report identifies as either “necessary” or “advisable” to formation of the proposed union school district. Each board may review the report and proposed articles and may provide its comments to the study committee. The study committee has sole authority to determine the contents of the report and proposed articles and to decide whether to submit them to the State Board under subsection (b) of this section.

(b) If a study committee determines that it is advisable to propose formation of a union school district, then the committee shall transmit the report and proposed articles of agreement to the Secretary who shall submit them with recommendations to the State Board.

(c)(1) The State Board:

(A) shall consider the study committee’s report and proposed articles of agreement and the Secretary’s recommendations;

~~(B) shall provide the study committee an opportunity to be heard,~~

1 ~~(C) may ask the Secretary or the study committee, or both, to make~~
2 further investigation and may consider any other information the State Board
3 deems to be pertinent; and

4 (D) may request that the study committee amend the report or the
5 proposed articles of agreement, or both.

6 (2) If the State Board finds that formation of the proposed union school
7 district is in the best interests of the State, the students, and the school districts,
8 and aligns with the policy set forth in section 701 of this title, then it shall
9 approve the study committee's report and proposed articles of agreement,
10 together with any amendments, as the final report and proposed articles of
11 agreement, and shall give notice of its action to the study committee.

12 (d) The chair of the study committee shall file a copy of the approved final
13 report and proposed articles of agreement with the clerk of each school district
14 identified as "necessary" or "advisable" at least 30 days prior to the vote of the
15 electorate on whether to form the union school district.

16 § 710. VOTE TO FORM UNION SCHOOL DISTRICT

17 Subject to the provisions of subsections 706(c) (proposal to form study
18 committee; existing union school districts) and 708(b) (study committee;
19 necessary and advisable districts) of this chapter, the voters of each school
20 district identified as "necessary" or "advisable" shall vote whether to form the
21 proposed union school district, as follows.

1 ~~(1) The vote shall be held on the date specified in the final report.~~

2 (2) The vote shall be by Australian ballot.

3 ~~(3) The vote shall be at separate school district meetings held on the~~
4 same day.

5 ~~(4) The opportunity for early and absentee voting pursuant to 17 V.S.A.~~
6 §§ 2531–2550 shall be provided.

7 ~~(5) The board of each school district voting on the proposal shall warn~~
8 the vote either as a special meeting of the school district or as part of its annual
9 meeting.

10 § 711. VOTE TO ELECT INITIAL MEMBERS OF THE UNION SCHOOL
11 DISTRICT BOARD

12 (a) Election of initial members of union school district board. At the
13 meeting warned to vote on formation of a union school district under section
14 710 of this chapter, the voters shall also elect the initial members who will
15 serve on the board of the union school district if the voters approve the
16 district's formation.

17 (1) The vote to elect the initial members shall be by Australian ballot.

18 (2) The opportunity for early and absentee voting pursuant to 17 V.S.A.
19 §§ 2531–2550 shall be provided.

20 (b) Representation and term length. Initial membership on a union school
21 district board shall be pursuant to the method of representation set forth in the

1 ~~articles of agreement, for the terms specified in that document, and pursuant to~~
2 ~~the provisions of this section and subdivisions 708(c)(9) and (10) (study~~
3 ~~committee; proposed articles of agreement; apportionment and terms) of this~~
4 ~~chapter.~~

5 (c) Operational definitions. As used in subsections (d) and (e) of this
6 section, any term not defined in section 702 of this chapter shall have its plain
7 meaning, except as provided in this subsection.

8 (1) If, pursuant to section 425 (other town school district officers) of
9 this title, the voters of a school district have elected a district clerk who is not
10 also the clerk of the town served by the school district, then “town clerk”
11 means the elected clerk of that school district.

12 (2) Notwithstanding subdivision (1) of this subsection, if a potential
13 forming district is an existing unified union school district, then:

14 (A) Reference to the voters of the “school district” means the voters
15 of each town within the existing unified union school district, who shall vote at
16 a location in their town of residence that is identified in the warning issued by
17 the existing unified union school district; provided, however, that the total of
18 all votes cast in the towns shall determine the modified at-large and at-large
19 election of initial board members pursuant to subdivisions (d)(2) (proposed
20 unified union district; modified at-large), (d)(3) (proposed union district; at-
21 large), (e)(2) (proposed union elementary or union high school district,

1 ~~modified at large), and (c)(3) (proposed union elementary or union high school~~
2 district; at-large) of this section, as well as whether the existing unified union
3 school district approves formation of the new unified union school district.

4 (B) “Town clerk” means the clerk of each town within the existing
5 unified union school district; provided, however, that the town clerk of each
6 town shall transmit the name of each duly nominated candidate to the clerk of
7 the existing unified union school district, who shall prepare the unified union
8 school district ballot for that town and transmit the ballot to the town clerk to
9 make available to the voters.

10 (3) Notwithstanding subdivision (1) (clerk of school district) of this
11 subsection, if a town is a member of both a union elementary school district
12 and a union high school district, is not independently organized as a district
13 that is responsible for the education of students in any grade, and does not
14 have a town school district board, then:

15 (A) reference to the voters of the “school district” means the voters of
16 the town that is the member of both existing union school districts, who shall
17 vote at a location in their town of residence that is identified in the warning
18 issued by:

19 (i) the existing union elementary school district if the voters are
20 voting on a proposed unified union school district or a proposed union
21 elementary school district, or

1 ~~(ii) the existing union high school district if the voters are voting~~
2 ~~on a proposed union high school district; and~~

3 ~~(B) “town clerk” means the clerk of the town that is a member of~~
4 ~~both existing union school districts; provided, however, that the town clerk~~
5 ~~shall transmit the name of each duly nominated candidate to the clerk of the~~
6 ~~union school district identified in subdivision (A) of this subdivision (3), who~~
7 ~~shall prepare the ballot for that town and transmit the ballot to the town clerk to~~
8 ~~make available to the voters.~~

9 ~~(d) Proposed unified union school district. Subject to the provisions of~~
10 ~~subsections 706(c) (existing union school districts) and 708(b) (necessary and~~
11 ~~advisable school districts) of this chapter, the voters of each school district~~
12 ~~identified as “necessary” or “advisable” shall vote whether to elect initial board~~
13 ~~members of a proposed unified union school district, as follows~~

14 ~~(1) Proportional to town population. When representation on the board~~
15 ~~of a proposed unified union school district is apportioned to each potential~~
16 ~~town within the proposed district in a number that is closely proportional to~~
17 ~~the town’s relative population:~~

18 ~~(A) Voters of each school district identified as either “necessary” or~~
19 ~~“advisable” to formation of the proposed unified union school district shall file~~
20 ~~a petition nominating a candidate for the office of unified union school district~~
21 ~~board member based on town population. A petition shall be valid only if.~~

1 (i) the candidate is a current voter of the town;
2 (ii) the petition identifies the term of office for which the
3 candidate is nominated;
4 (iii) the petition is signed by at least 30 voters residing in the town
5 or one percent of the legal voters in the town, whichever is less;
6 (iv) the voters file the petition with the town clerk of the town in
7 which the candidate resides not later than 5:00 p.m. on the sixth Monday
8 preceding the day of the election; and
9 (v) the candidate files with the town clerk a written consent to the
10 printing of the candidate's name on the ballot.
11 (B) The town clerk shall place the name of each duly nominated
12 candidate on the ballot to be presented to the voters of the school district.
13 (C) The voters of the school district for the town in which the
14 candidate resides shall elect as many board members to the unified union
15 school board as are apportioned based on the town's population.
16 (2) Modified at-large model: allocation to town; at-large representation.
17 When representation on the board of a proposed unified union school district is
18 allocated to each potential town within the proposed district, but the allocation
19 is not closely proportional to the town's relative population and the board
20 member is elected at-large.

1 ~~(A) Voters of each school district identified as either “necessary” or~~
2 ~~“advisable” to formation of the proposed unified union school district shall file~~
3 ~~a petition nominating a candidate for the office of unified union school district~~
4 ~~board member allocated to the voters’ town. A petition shall be valid only if:~~

5 ~~(i) the candidate is a current voter of the town;~~

6 ~~(ii) the petition identifies the term of office for which the~~
7 ~~candidate is nominated;~~

8 ~~(iii) the petition is signed by at least 30 voters residing in the town~~
9 ~~or one percent of the legal voters in the town, whichever is less;~~

10 ~~(iv) the voters file the petition with the town clerk of the town in~~
11 ~~which the candidate resides not later than 5:00 p.m. on the sixth Monday~~
12 ~~preceding the day of the election; and~~

13 ~~(v) the candidate files with the town clerk a written consent to the~~
14 ~~printing of the candidate’s name on the ballot.~~

15 (B) Upon receipt of a petition for a unified union school district
16 board member allocated to a potential town within the proposed district but to
17 be elected at-large under the modified at-large model, the town clerk shall
18 place the name of the duly nominated candidate on the ballot to be presented
19 to the voters of the school district and shall notify the town clerks preparing
20 the ballots for the voters of each of the other “necessary” school districts and
21 of each “advisable” school district voting on formation of the proposed unified

1 ~~union school district to place the candidate's name on the ballot presented to~~
2 ~~the voters in those districts. Alternatively, at their discretion, the town clerks~~
3 ~~may meet jointly to prepare a uniform ballot.~~

4 ~~(C) The voters of each "necessary" school district and of each~~
5 ~~"advisable" school district voting on formation of the proposed unified union~~
6 ~~school district shall vote for the board members to be elected at-large under the~~
7 ~~modified at-large model, provided, however, that ballots shall be included in~~
8 ~~the calculation of total votes cast pursuant to the provisions of subdivision~~
9 ~~714(a)(2) (calculation of votes) of this chapter.~~

10 ~~(3) At-large representation. When representation on the board of a~~
11 ~~proposed unified union school district is not apportioned or allocated to the~~
12 ~~potential towns within the proposed district pursuant to subdivision (1)~~
13 ~~(proportional to town population) or (2) (modified at-large) of this subsection~~
14 ~~and the board member is elected at-large:~~

15 ~~(A) The voters of one or more school districts identified as~~
16 ~~"necessary" to formation of the proposed unified union school district shall file~~
17 ~~a petition nominating a candidate for the office of unified union school district~~
18 ~~board member at-large. A petition shall be valid only if:~~

19 ~~(i) the candidate is a current voter of a school district identified as~~
20 ~~"necessary" to the formation of the proposed union school district,~~

1 ~~(ii) the petition identifies the term of office for which the~~
2 ~~candidate is nominated;~~

3 ~~(iii) the petition is signed by at least 60 voters residing in one or~~
4 ~~more school districts identified as “necessary” to the formation of the proposed~~
5 ~~unified union school district;~~

6 ~~(iv) the voters file the petition with the town clerk in the~~
7 ~~“necessary” school district in which the candidate resides not later than~~
8 ~~5:00 p.m. on the sixth Monday preceding the day of the election; and~~

9 ~~(v) the candidate files with the town clerk a written consent to the~~
10 ~~printing of the candidate’s name on the ballot.~~

11 ~~(B) Upon receipt of a petition for a unified union school district~~
12 ~~board member elected at-large, the town clerk shall place the name of the duly~~
13 ~~nominated candidate on the ballot to be presented to the voters of the school~~
14 ~~district and shall notify the town clerks preparing the ballots for the voters of~~
15 ~~each of the other “necessary” school districts and of each “advisable” school~~
16 ~~district voting on formation of the proposed unified union school district to~~
17 ~~place the candidate’s name on the ballot presented to the voters in those~~
18 ~~districts. Alternatively, at their discretion, the town clerks may meet jointly to~~
19 ~~prepare a uniform ballot.~~

20 ~~(C) The voters of each “necessary” school district and of each~~
21 ~~“advisable” school district voting on formation of the proposed unified union~~

1 ~~school district shall vote for the members to be elected at large; provided,~~
2 however, that ballots shall be included in the calculation of total votes cast
3 pursuant to the provisions of subdivision 714(a)(2) (calculation of votes) of
4 this chapter.

5 (e) Proposed union elementary or union high school district. Subject to the
6 provisions of subsections 706(c) (existing union school districts) and 708(b)
7 (necessary and advisable school districts) of this chapter, the voters of each
8 school district identified as “necessary” or “advisable” shall vote whether to
9 elect initial board members of the proposed union school district, as follows:

10 (1) Proportional to town population. When representation on the board
11 of a proposed union elementary or union high school district is apportioned to
12 each potential member district of the proposed district in a number that is
13 closely proportional to the potential member district’s relative population:

14 (A) Voters of each school district identified as either “necessary” or
15 “advisable” to formation of the proposed union school district shall file a
16 petition nominating a candidate for the office of union school district board
17 member representing the potential member district. A petition shall be valid
18 only if:

19 (i) the candidate is a current voter of the potential member
20 district,

1 (ii) the petition identifies the term of office for which the
2 candidate is nominated;

3 (iii) the petition is signed by at least 30 voters residing in the
4 potential member district or one percent of the legal voters in the district,
5 whichever is less;

6 (iv) the petition is filed with the town clerk not later than
7 5:00 p.m. on the sixth Monday preceding the day of the election; and

8 (v) the candidate files with the town clerk a written consent to the
9 printing of the candidate's name on the ballot.

10 (B) The town clerk shall place the name of each duly nominated
11 candidate on the ballot to be presented to the voters of the potential member
12 district.

13 (C) The voters of the district shall elect as many board members as
14 are apportioned to the potential member district based on population.

15 (2) Modified at-large model: allocation to town; at-large representation.
16 When representation on the board of a proposed union elementary or union
17 high school district is allocated to each potential member district, but the
18 allocation is not closely proportional to the potential member district's relative
19 population and the board member is elected at-large:

20 (A) Voters of each school district identified as either "necessary" or
21 "advisable" to formation of the proposed union school district shall file a

1 petition nominating a candidate for the office of union school district board

2 member allocated to the potential member district. A petition shall be valid

3 only if:

4 (i) the candidate is a current voter of the potential member

5 district;

6 (ii) the petition identifies the term of office for which the

7 candidate is nominated;

8 (iii) the petition is signed by at least 30 voters residing in the

9 potential member district or one percent of the legal voters in the district,

10 whichever is less;

11 (iv) the petition is filed with the town clerk of the school district

12 in which the candidate resides not later than 5:00 p.m. on the sixth Monday

13 preceding the day of the election; and

14 (v) the candidate files with the town clerk a written consent to the

15 printing of the candidate's name on the ballot.

16 (B) Upon receipt of a petition for union school district board member

17 allocated to a potential member district but to be elected at-large under the

18 modified at-large mode, the town clerk shall place the name of the duly

19 nominated candidate on the ballot to be presented to the voters of the potential

20 member district and shall notify the town clerks preparing the ballots for the

21 voters of each of the other "necessary" school districts and of each "advisable

1 ~~school district voting on formation of the proposed union school district to~~
2 place the candidate's name on the ballot presented to the voters in those
3 districts. Alternatively, at their discretion, the town clerks may meet jointly to
4 prepare a uniform ballot.

5 (C) The voters of each "necessary" school district and of each
6 "advisable" school district voting on formation of the proposed unified union
7 school district shall vote for the board members to be elected at-large under the
8 modified at-large model; provided, however, that ballots shall be included in
9 the calculation of total votes cast pursuant to the provisions of subdivision
10 714(a)(2) (calculation of votes) of this chapter.

11 (3) At-large representation. When representation on the board of a
12 proposed union elementary or union high school district board is not
13 apportioned or allocated to the potential member districts pursuant to
14 subdivision (1) (proportional to town population) or (2) (modified at large) of
15 this subsection and the board member is elected at-large:

16 (A) The voters of one or more school districts identified as
17 "necessary" to the formation of the proposed union school district shall file a
18 petition nominating a candidate for the office of union school district board
19 member at-large. A petition shall be valid only if:

20 (i) the candidate is a current voter of a school district identified as
21 "necessary" to the formation of the proposed union school district,

1 ~~(ii) the petition identifies the term of office for which the~~
2 ~~candidate is nominated;~~

3 ~~(iii) the petition is signed by at least 60 voters residing in one or~~
4 ~~more school districts identified as “necessary” to the formation of the proposed~~
5 ~~union school district;~~

6 ~~(iv) the petition is filed with the town clerk in the “necessary”~~
7 ~~school district in which the candidate resides not later than 5:00 p.m. on the~~
8 ~~sixth Monday preceding the day of the election; and~~

9 ~~(v) the candidate files with the town clerk a written consent to the~~
10 ~~printing of the candidate’s name on the ballot.~~

11 ~~(B) Upon receipt of a petition for a union school district board~~
12 ~~member to be elected at-large, the town clerk shall place the name of the duly~~
13 ~~nominated candidate on the ballot to be presented to the voters of the school~~
14 ~~district and shall notify the town clerks preparing the ballots for the voters of~~
15 ~~each of the other “necessary” school districts and of each “advisable” school~~
16 ~~district voting on formation of the proposed union school district to place the~~
17 ~~candidate’s name on the ballot presented to the voters in those districts.~~

18 ~~Alternatively, at their discretion, the town clerks may meet jointly to prepare a~~
19 ~~uniform ballot.~~

20 ~~(C) The voters of each “necessary” school district and of each~~
21 ~~“advisable” school district voting on formation of the proposed union school~~

1 ~~district shall vote for the board members to be elected at large; provided~~
2 however, that ballots shall be included in the calculation of total votes cast
3 pursuant to the provisions of subdivision 714(a)(2) (calculation of votes) of
4 this chapter.

5 (f) Weighted voting. If representation on a union school district board is
6 apportioned based upon population pursuant to subdivision (d)(1) or (e)(1) of
7 this section, then the union school district may achieve proportionality through
8 a system of weighted voting.

9 § 712. CONTENTS OF WARNING ON VOTES TO ESTABLISH THE
10 UNION SCHOOL DISTRICT AND ELECT THE INITIAL
11 MEMBERS OF THE UNION SCHOOL DISTRICT BOARD

12 The warning for each school district meeting to vote on formation of a
13 union school district shall contain two articles in substantially the following
14 form. The language used in Article I shall be the same for each “necessary”
15 and “advisable” district voting on formation of the new district. Article II of
16 the warning shall not include names of candidates for the union school district
17 board.

18 WARNING

19 The voters of the _____ School District are hereby notified
20 and warned to meet at _____ on the ___ day of _____, 20___, to vote by
21 Australian ballot between the hours of _____, at which time the polls will

1 ~~open, and _____ at which time the polls will close, upon the following articles~~
2 of business:

3 Article I. FORMATION OF UNION SCHOOL DISTRICT

4 Shall the _____ School District, which the proposed articles
5 of agreement have identified as [“necessary” or “advisable”] to the formation
6 of the proposed union school district, join with the school district[s] of
7 _____ and _____, which are identified as
8 “necessary” to formation, and potentially the school district[s] of
9 _____ and _____, which are identified as
10 “advisable” to formation, for the purpose of forming a union school district, as
11 provided in Title 16, Vermont Statutes Annotated, upon the following
12 conditions and agreements:

13 (a) Grades. The union school district shall be organized to provide for the
14 education of resident students in grades _____ through _____ and shall assume
15 full and sole responsibility therefor on July 1, 20__.

16 (b) Operation of schools. The union school district shall operate and
17 manage one or more schools offering instruction in grades _____ through
18 _____. [Amend as necessary if the district will pay tuition for any or all grades
19 for which it is organized.]

1 ~~(c) Union school district board. [State method by which representation of~~
2 ~~each member of the union school board is to be determined pursuant to section~~
3 ~~711 (vote to elect initial members) of this chapter.]~~

4 (d) Assumption of debts and ownership of school property. The union
5 school district shall assume the indebtedness of forming districts, acquire the
6 school properties of the forming districts, and pay for them, all as specified in
7 the final report and proposed articles of agreement.

8 (e) Final report. The provisions of the final report and proposed articles of
9 agreement approved by the State Board of Education on the ___ day of
10 _____, 20___, which is on file in the office of the clerk of each school district
11 named in this warning, shall govern the union school district.

12 Article II. ELECTION OF INITIAL MEMBERS OF THE UNION

13 SCHOOL DISTRICT BOARD

14 To elect a total of _____ () member(s) to serve as initial members of the
15 proposed union school district board for the terms established in the final
16 report and proposed articles of agreement: [Amend as necessary to reflect
17 method for determining school board membership pursuant to section 711
18 (vote to elect initial members) of this chapter.]

19 (a) [Insert number] Board Member[s] to serve until the second annual
20 meeting of the union school district, in 20___.

1 ~~(b) [Insert number] Board Member[s] to serve until the third annual~~
2 ~~meeting of the union school district, in 20__.~~

3 ~~(c) [Insert number] Board Member[s] to serve until the fourth annual~~
4 ~~meeting of the union school district, in 20__.~~

5 § 713. CERTIFICATION OF VOTES; DESIGNATION OF DISTRICT AS
6 UNION SCHOOL DISTRICT; RECORDING BY SECRETARY OF
7 STATE

8 (a) Within 45 days after the vote or 15 days after a vote to reconsider the
9 original vote under 17 V.S.A. § 2661, whichever is later, the clerk of each
10 school district voting on the proposal to form a union school district shall
11 certify the results of that vote to the Secretary of Education. The clerk shall
12 submit the certification regardless of whether the district voters approved the
13 proposed formation of a union school district.

14 (b) If the voters voting in each school district identified as “necessary” to
15 formation of the proposed union school district vote to form the district, then
16 the “necessary” school districts constitute a union school district, together with
17 any school district designated as “advisable” that votes to form the proposed
18 union school district.

19 (c) If the voters approve formation of a union school district pursuant to
20 subsection (b) of this section, then upon receiving the certification of each
21 clerk pursuant to subsection (a) of this section, but not sooner than 30 days

1 ~~after the initial vote, the Secretary shall designate the newly formed district as~~
2 a union school district. The Secretary shall certify that designation and send
3 the certification together with the clerks' certifications to the Secretary of
4 State, who shall record the certification.

5 (d) When the Secretary of State records the certification of the Secretary of
6 Education, the union school district shall be a body politic and corporate with
7 the powers incident to a municipal corporation, shall be known by the name or
8 number given in the recorded certification, by that name or number may sue
9 and be sued, and may hold and convey real and personal property for the use
10 of the union school district. The recorded certification shall be notice to all
11 parties of the formation of the union school district with all the powers
12 incident to such a district as provided in this title.

13 (e) The Secretary of State shall file a certified copy of the recorded
14 certification with the clerk of each member district of a new union elementary
15 or union high school district and with the town clerk of each town within a
16 new unified union school district. The Secretary of State shall file the certified
17 copies not later than 14 days after the date on which the Secretary of
18 Education certifies the existence of the union school district to the Secretary of
19 State. Filing a certified copy with each clerk shall be prima facie evidence of
20 full compliance with the requirements for the formation of a union school
21 district as set forth in this subchapter.

~~§ 714. INITIAL MEMBERS OF UNION SCHOOL DISTRICT BOARD.~~

TALLYING OF AT-LARGE VOTES; OATH OF OFFICE AND
ASSUMPTION OF DUTIES

(a) Tallying of at-large votes for initial members of board. If the voters have elected some or all of the initial members of the union school district board under either model involving at-large voting as set forth in subdivision 711(d)(2) (proposed unified union school district; modified at-large), (d)(3) (proposed unified union school district; at-large), (e)(2) (proposed union elementary or union high school district; modified at-large), or (e)(3) (proposed union elementary or union high school district; at-large) of this chapter, then the total votes cast for each of the at-large candidates shall be calculated as follows:

(1) Within seven days after the vote, the clerk of each school district voting on the proposal to form a union school district shall transmit electronically to the Secretary of Education the total number of votes cast in that school district for each at-large candidate.

(2) The Secretary shall calculate the total votes cast for each candidate and transmit those calculations to the clerks for verification. Ballots cast by the voters of any “advisable” district that does not approve the proposal to form a new union school district shall not be included in the calculation.

1 ~~(2) When each clerk has verified the calculations, the Secretary shall~~
2 ~~prepare and execute a certification of the votes cast for each candidate.~~

3 ~~(b) Notification. If the voters approve formation of a new union school~~
4 ~~district, then within 30–45 days after the vote or 15 days after a vote to~~
5 ~~reconsider the original vote to form the district, whichever is later, the~~
6 ~~notification of the election of initial board members shall be sent to the~~
7 ~~Secretary of State as follows:~~

8 ~~(1) The clerk of each forming district shall transmit the names of board~~
9 ~~members elected in a manner that is proportional to town population as set~~
10 ~~forth in subdivision 711(d)(1) (proposed unified union district; proportional to~~
11 ~~town population) or (e)(1) (proposed union elementary or union high school~~
12 ~~district; proportional to town population) of this chapter.~~

13 ~~(2) The Secretary of Education shall transmit the names of board~~
14 ~~members elected under either model involving at-large voting.~~

15 ~~(c) Oath of office; assumption of duties; election of chair and clerk. The~~
16 ~~superintendent of the supervisory union serving the new union school district~~
17 ~~shall cause the initial board members to be sworn in. Although the swearing-~~
18 ~~in may occur prior to the organizational meeting required by section 715 of~~
19 ~~this chapter, it shall not occur before the Secretary of State files the certified~~
20 ~~copy of the recorded certification with each clerk pursuant to subsection~~
21 ~~715(e) of this chapter. The initial board members shall assume office upon~~

1 ~~being sworn in and shall meet to elect one of their number to serve as the~~
2 ~~board chair and one other of its number to serve as the board clerk, and to~~
3 ~~transact any other business within its jurisdiction; provided, however, such~~
4 ~~meeting shall not occur prior to the organizational meeting required by section~~
5 ~~715.~~

6 § 715. ORGANIZATIONAL MEETING; NOTICE; BUSINESS TO BE
7 TRANSACTIONED

8 (a) Meeting. The union school district shall hold an organizational
9 meeting within 60 days after the Secretary of State files the certified copy of
10 the recorded certification with each clerk pursuant to subsection 713(e) of this
11 chapter.

12 (b) Notice.

13 (1) The Secretary of Education shall prepare and execute a warning for
14 the organizational meeting. The warning shall give notice of the day, hour,
15 and location of the meeting and shall itemize the business to be transacted.

16 (2) The Secretary of Education shall transmit the signed warning to the
17 superintendent, who shall post the warning in at least one public place in each
18 town within the union school district and shall cause the warning to be
19 published once in a newspaper of general circulation in the towns within the
20 union school district. Posting and publication shall be made not more than 40
21 days nor less than 30 days before the date of the meeting.

1 ~~(2) The union school district shall bear the cost of posting and~~
2 ~~publishing the warning.~~

3 ~~(c) Business to be transacted.~~

4 ~~(1) The Secretary or a person designated by the Secretary shall call the~~
5 ~~organizational meeting to order and the registered voters shall consider the~~
6 ~~following items of business:~~

7 ~~(A) Elect a temporary presiding officer and a temporary clerk of the~~
8 ~~union school district from among the voters present at the organizational~~
9 ~~meeting.~~

10 ~~(B) Adopt Robert's or other rules of order, which shall govern the~~
11 ~~parliamentary procedures of the organizational meeting and all subsequent~~
12 ~~meetings of the union school district.~~

13 ~~(C) Elect a moderator of the union school district from among the~~
14 ~~voters.~~

15 ~~(D) Elect a clerk of the union school district from among the voters~~
16 ~~or vote to authorize the school board to appoint a clerk of the union school~~
17 ~~district from among the voters.~~

18 ~~(E) Elect a treasurer of the union school district or vote to authorize~~
19 ~~the school board to appoint a treasurer of the union school district. The~~
20 ~~treasurer may also be the supervisory union treasurer and need not be a~~
21 ~~resident of the union school district.~~

1 (E) Determine the date and location of the union school district's
2 annual meeting, which shall be not earlier than February 1 nor later than June
3 1, if not previously determined by the voter-approved articles of agreement.

4 (G) Determine whether compensation shall be paid to the moderator,
5 clerk, and treasurer of the union school district elected at the organizational
6 meeting and at subsequent annual meetings of the union school district and, if
7 so, the amount to be paid to them.

8 (H) Determine whether compensation shall be paid to members of
9 the union school district board and, if so, the amount to be paid to them.

10 (I) Establish provisions for payment by the union school district of
11 any expense incurred or to be incurred by or on behalf of the district for the
12 period between the date on which the voters approved formation of the union
13 school district and the first annual meeting of the union district.

14 (J) Determine whether to authorize the initial board of the union
15 school district to borrow money pending receipt of payments from the
16 Education Fund by the issuance of its note payable not later than one year
17 from the date of the note. Regardless of whether the voters provide this
18 authorization, the initial board is authorized to borrow sufficient funds to meet
19 pending obligations until the voters approve a budget for the initial year of
20 operation pursuant to subdivision 710(b)(3) of this chapter.

1 ~~(K) Transact any other business, the subject matter of which has been~~
2 included in the warning, that the voters have power to transact at any annual or
3 special meeting and transact any nonbinding business that may legally come
4 before the voters.

5 (2) When there is only one nominee for temporary presiding officer,
6 temporary clerk, moderator, district clerk, or district treasurer, the voters may,
7 by acclamation, instruct an officer to elect the nominee by casting one ballot,
8 and upon the ballot being cast, the nominee shall be legally elected and shall
9 thereupon be sworn.

10 (3) The elected officers listed in subdivisions (1)(A) (temporary
11 presiding officer and temporary clerk), (C) (moderator of the union school
12 district), (D) (clerk of the union school district), and (E) (treasurer of the union
13 school district) of this subsection shall be sworn in before entering upon the
14 duties of their offices and a record made by the district clerk. They shall
15 assume office upon being sworn in. The officers listed in subdivisions (1)(C),
16 (D), and (E) of this subsection shall serve terms as set forth in section 735
17 (unified union school districts; officers) or 753 (union elementary and union
18 high school district; officers) of this chapter unless the voters extend the term
19 length up to three years.

1 ~~(4) Any member of the union school district board not sworn in before~~
2 the organizational meeting pursuant to section 714 of this chapter may be
3 sworn in at or after the organizational meeting.

4 Article 2. Transition; Dissolution, Reorganization, and Discontinuation of
5 Forming Districts; Sale of Real Property; Supervisory Unions
6 and Supervisory Districts

7 § 716. TRANSITION TO FULL OPERATIONS

8 (a) Operational date. The operational date of a union school district is the
9 July 1 next following the date on which the voters vote to approve formation
10 of the district, unless the voter-approved articles of agreement establish a
11 different date.

12 (b) Roles and authority during transitional period. During the transitional
13 period:

14 (1) The forming districts, through their boards, shall continue to be
15 responsible for the education of their respective resident students.

16 (2) The board of the new union school district shall develop school
17 district policies; adopt curriculum, educational programs, assessment
18 measures, and reporting procedures; negotiate and enter into contractual
19 agreements; negotiate and enter into collective bargaining agreements; set the
20 school calendar for the fiscal year that begins on the operational date; prepare
21 and present to the voters the proposed budget for the fiscal year that begins on

1 ~~the operational date; prepare for the annual and any special meetings of the~~
2 new union school district that may occur during the transitional period; and
3 transact any other lawful business coming before it.

4 (3) During the transitional period and continuing until the voters
5 approve a budget for the initial fiscal year of operation, the board of the new
6 union school district shall have the authority to borrow sufficient funds to meet
7 pending obligations. The board shall vote whether to include the total sum
8 borrowed under this subsection as education spending in the board's proposed
9 budget for the initial fiscal year or to treat the sum as a deficit pursuant to
10 24 V.S.A. § 1523(b) (municipal and county government; duties of selectboards
11 as to a deficit).

12 (c) Assets.

13 (1) Definition. For purposes of this subsection, the "assets" of a
14 forming district shall include all real and personal property, operating fund
15 accounts, special fund accounts, trust fund accounts, accounts receivable, and
16 any other property to which the forming district holds title or over which it has
17 control.

18 (2) Transfer and acquisition of title. On or before the operational date,
19 the forming districts shall transfer and the union school district shall acquire
20 ownership of all assets of the forming districts that are owned by the forming
21 districts on or before the June 30 immediately preceding the operational date,

1 ~~unless the voter-approved articles of agreement explicitly provide for an~~
2 alternative disposition of a specific asset. The transfer of an asset shall be
3 subject to all encumbrances and conditions of record, unless the voter-
4 approved articles of agreement explicitly provide otherwise.

5 (3) Prohibition. A forming district shall not transfer ownership of an
6 asset to any entity other than the union school district between the date on
7 which the vote occurs pursuant to section 710 (vote to form union school
8 district) of this chapter and the operational date unless explicitly authorized in
9 the voter-approved articles of agreement or approved by the voters of the
10 union school district during the transitional period.

11 (4) Trust funds. A union school district shall hold and apply all trust
12 funds transferred to it by a forming district as the terms of the trust indicate. If
13 the trust allows, a union school district may use the funds to benefit union
14 school district students who reside, or buildings that are located, outside the
15 geographical boundaries of the forming district that originally held the trust.

16 (5) Reserve funds. A union school district shall hold and apply all
17 reserve funds transferred to it by a forming district pursuant to the conditions
18 imposed prior to the date on which the forming district voted to approve
19 formation of the union school district.

20 ~~(d) Liabilities.~~

1 ~~(1) Definition. For purposes of this subsection, the “liabilities” of a~~
2 forming district shall include all contractual obligations, all indebtedness
3 including principal and interest, and any other legal commitment of a forming
4 district.

5 (2) Transfer and assumption of liabilities. On or before the operational
6 date, the forming districts shall transfer and the union school district shall
7 assume all liabilities of the forming districts that exist on the June 30
8 immediately preceding the operational date, unless the voter-approved articles
9 of agreement explicitly provide otherwise.

10 (3) Prohibition. Notwithstanding the provisions of subdivision (2) of
11 this subsection (d), a union school district shall not assume liabilities that a
12 forming district incurs between the date on which the vote occurs pursuant to
13 section 710 (vote to form union school district) of this chapter and the
14 operational date unless explicitly authorized in the voter-approved articles of
15 agreement or approved by the union school district board during the
16 transitional period; provided, however, that a union school district shall in all
17 cases assume the contractual obligations of the member districts regarding
18 each collective bargaining agreement or other employment contract entered
19 into during the transitional period until the agreement’s or contract’s
20 expiration.

1 ~~(c) Unpaid expenses. At the district's first annual meeting following~~
2 ~~assumption of full operations or at a later meeting as necessary, the voters of a~~
3 ~~new union school district shall vote a sum sufficient to pay any unpaid balance~~
4 ~~of expenses, as defined in subdivision 715(c)(1)(H) of this chapter, that was~~
5 ~~incurred by or on behalf of the union school district during the transitional~~
6 ~~period.~~

7 § 717. DISSOLUTION, REORGANIZATION, AND DISCONTINUATION
8 OF FORMING DISTRICTS

9 (a) Unified union school district; dissolution of forming districts. On its
10 operational date, a unified union school district shall supplant all forming
11 districts and the forming districts shall cease to exist; provided, however, that
12 if the voter-approved articles of agreement explicitly provide for it, then the
13 supplanted forming districts and their boards may continue to exist for up to
14 six months after the operational date for the sole purpose of completing any
15 outstanding business that cannot legally be performed by the new unified
16 union school district.

17 (b) Union Elementary and Union High School Districts.

18 (1) Reorganization of forming districts. On its operational date, a union
19 elementary or union high school district shall supplant each forming district
20 for the grades for which the union elementary or union high school district is
21 organized (the supplanted grades). Each forming district shall cease to be

1 ~~organized to provide for education in the supplanted grades but shall continue~~
2 to be responsible for the other grades for which it is organized; provided,
3 however, that if the voter-approved articles of agreement explicitly provide for
4 it, then the forming districts and their boards may continue to exist for the
5 supplanted grades for up to six months after the operational date for the sole
6 purpose of completing any outstanding business that cannot legally be
7 performed by the new union elementary or union high school district.

8 (2) Dissolution of forming districts. If a forming district is organized to
9 provide for education solely in the grades for which the new union elementary
10 or union high school district is organized and the forming district is a member
11 district of another union school district for all other grades, prekindergarten
12 through grade 12, then the forming district shall cease all educational
13 operations on the new union district's operational date, the new union school
14 district shall assume all powers and responsibilities of the forming district, and
15 the forming district shall cease to exist; provided, however, that if the voter-
16 approved articles of agreement explicitly provide for it, then the forming
17 district and its board may continue to operate for up to six months after the
18 operational date for the sole purpose of completing any outstanding business
19 that cannot legally be performed by the new union elementary or union high
20 school district.

1 ~~§ 718. TRANSFER OF REAL PROPERTY TO TOWN IN WHICH IT IS~~

2 LOCATED

3 If the original voter-approved articles of agreement require sale of real
4 property to the town in which the property is located and the sale is scheduled
5 to occur after the operational date, or if after the operational date and after
6 completing any statutory and contractual prerequisites the union school district
7 offers to sell any of its real property to the town in which the property is
8 located, then the town may assume title to the real property for a price that is
9 less than the fair market value only as follows:

10 (1) The conveyance to the town shall be made subject to all
11 encumbrances of record, the assumption or payment of all outstanding bonds
12 and notes, and the repayment of any school construction aid or grants that may
13 be required by law if any such obligation was incurred before the operational
14 date.

15 (2) The conveyance to the town shall be conditioned upon the town
16 owning and using the real property for community and public purposes for a
17 minimum of five years.

18 (3) If the town sells the real property prior to five years of ownership,
19 then the town shall compensate the union school district for all capital
20 improvements and renovations initiated after the operational date and prior to
21 the sale to the town.

§ 710. SUPERVISORY UNION; SUPERVISORY DISTRICT

(a) The State Board shall assign each union school district formed under this chapter to a supervisory union for administrative, educational, and planning services, effective on the day on which the union school district becomes a body politic and corporate pursuant to subsection 713(d) (Secretary of State records the certification of the Secretary of Education) of this chapter.

(b) If a union school district formed under this chapter is a unified union school district, then the State Board may designate it as a supervisory district pursuant to the provisions of this title to be effective not earlier than the operational date of the unified union school district.

(c) If a supervisory union includes at least one district that is a unified union school district, then the State Board, on its own initiative or at the request of the board of the supervisory union or the board of one or more districts in the supervisory union, may at any time, adjust the supervisory union board representation required by section 266 of this title to more fairly and accurately reflect the relative number of students for which each district is responsible and the grades for which the district operates a school or schools.

[Sec. 720 reserved]

Article 3. Changes in Union District Membership and

Other Amendments to Articles of Agreement

§ 721. JOINING AN EXISTING UNION SCHOOL DISTRICT

(a) Action initiated by district outside the union school district.

(1) After preliminary study, if the board of a school district determines that it would be advisable to join an existing union school district, then the board of the interested school district shall request approval of the State Board to pursue this possibility.

(2) If the State Board determines that it is in the best interests of the State, the students, and the districts involved and aligns with the policy set forth in section 701 of this title for the interested school district to join the existing union school district, then at a meeting of the interested school district warned for the purpose, the voters shall vote whether to apply to the existing union school district for admission.

(3) If the voters of the interested school district approve the proposal to apply to the union school district for admission, then the clerk of the interested school district shall certify the results of the vote to the Secretary and to the clerk of the union school district.

(4) If the voters of the union school district approve the application of the school district within two years after the vote in subdivision (2) of this

1 ~~subsection, then the clerk of the union school district shall certify the results of~~
2 ~~the vote to the Secretary.~~

3 ~~(b) Action initiated by union school district.~~

4 ~~(1) After preliminary study, if the board of a union school district~~
5 ~~determines that it would be advisable to enlarge the district, then the board of~~
6 ~~the union school district shall submit a plan to the State Board requesting~~
7 ~~approval to incorporate a distinct school district into the union school district.~~

8 ~~(2) If the State Board determines that it is in the best interests of the~~
9 ~~State, the students, and the districts involved and aligns with the policy set-~~
10 ~~forth in section 701 of this title for the school district to join the existing union~~
11 ~~school district, then at a union school district meeting warned for the purpose,~~
12 ~~the voters shall vote whether to enlarge the union school district to include the~~
13 ~~school district.~~

14 ~~(3) If the voters of the union school district approve the proposal to~~
15 ~~include the school district, then the clerk of the union school district shall~~
16 ~~certify the results of that vote to the Secretary and to the clerk of the school~~
17 ~~district.~~

18 ~~(4) If the voters of the school district approve the offer to join the union~~
19 ~~school district within two years after the vote in subdivision (2) of this~~
20 ~~subsection, then the clerk of the school district shall certify the results of the~~
21 ~~vote to the Secretary.~~

1 ~~(c) Certification; Secretary of State. Upon receipt of the clerk's~~
2 ~~certification pursuant to subdivision (a)(4) (school district application~~
3 ~~approval) or (b)(5) (school district approval of offer to join the union school~~
4 ~~district) of this section, the Secretary of Education shall designate the existing~~
5 ~~union school district to be enlarged pursuant to the votes and shall certify the~~
6 ~~enlargement to the Secretary of State. When the Secretary of State records the~~
7 ~~certification of the Secretary of Education, the union school district shall be~~
8 ~~enlarged accordingly, although the union school district and the school district~~
9 ~~that will join it may decide in advance of the votes that the enlarged union~~
10 ~~school district shall have a later operational date. The Secretary of State shall~~
11 ~~file a certified copy of the recorded certification with the clerks of the union~~
12 ~~school district and of the district that is joining it. The Secretary of State shall~~
13 ~~file the certified copies not later than 14 days after the date the Secretary of~~
14 ~~Education certifies the designation to the Secretary of State. Filing a certified~~
15 ~~copy with each clerk shall be prima facie evidence of full compliance with the~~
16 ~~requirements for enlarging an existing union school district as set forth in this~~
17 ~~section.~~

18 ~~(d) Powers and responsibilities. A union school district enlarged pursuant~~
19 ~~to this section shall have all the powers and responsibilities given to a union~~
20 ~~school district by this title. Unless otherwise approved by the voters of the~~
21 ~~union school district and the school district that will join it, if the operational~~

1 ~~date is delayed pursuant to an agreement under subsection (c) of this section,~~
2 then the joining school district shall share in the expenses of the union school
3 district beginning on the date the Secretary of State records the certification of
4 the Secretary of Education.

5 (e) Australian ballot. All votes of the electorate under this section shall
6 occur by Australian ballot.

7 § 722. AMENDMENTS TO ARTICLES OF AGREEMENT

8 (a) The union school district voters. Only the voters of a union school
9 district may amend a specific condition or agreement in the district's articles
10 of agreement if the condition or agreement was set forth as a distinct
11 subsection in the warning required by section 712 (warning on vote to
12 establish union school district and elect initial members of the board) of this
13 chapter to form the union school district or in a subsequent warning to amend
14 the articles pursuant to this section, which the voters approved.

15 (b) The union school district board. The board of a union school district
16 may amend a specific condition or agreement in the district's articles of
17 agreement only if the condition or agreement was not set forth as a distinct
18 subsection in a warning required in subsection (a) of this section, but was
19 instead incorporated into the warning by reference pursuant subsection 712(e)
20 of this chapter (warning on vote to establish union school district and elect
21 initial members of the board), or if the original articles of agreement or voter-

1 ~~approved amendments authorize the board to amend a specific condition or~~
2 ~~agreement.~~

3 (c) Reduction of grades operated. Notwithstanding the provisions of
4 subsection (a) (union school district voters) of this section, the voters shall not
5 vote whether to reduce the grades that the union school district operates, and to
6 begin paying tuition for those grades, unless the State Board finds it is in the
7 best interests of the State, the students, and the districts involved and aligns
8 with the policy set-forth in section 701 of this title and gives prior approval to
9 the proposed amendment.

10 (d) Number of board members. Notwithstanding the provisions of
11 subsections (a) (union school district voters) and (b) (union school district
12 board) of this section, if membership on a union school district board is
13 proportional to town population as set forth in subdivisions 711(d)(1)
14 (proposed unified union school district) and (e)(1) (proposed union elementary
15 or union high school district) of this chapter, and if the district's articles of
16 agreement direct the board to adjust board membership when necessary to
17 conform to each new decennial census, then the board shall amend the articles
18 to adjust the apportionment of board seats without presenting the amendment
19 to the voters for approval.

20 (e) Districts created by State Board order. Notwithstanding the provisions
21 of subsections (a) (union school district voters) and (b) (union school district

1 ~~board) of this section, the authority to amend the articles governing any union~~
2 school district formed by the State Board's Final Report and Order issued on
3 November 30, 2018 pursuant to 2015 Acts and Resolves No. 46, as amended,
4 vests either with the electorate or the board pursuant to the provisions of
5 Article 14, as that article was issued by the State Board or subsequently
6 amended by the voters of the union school district.

7 (f) Process. A vote by the voters of a union school district to amend the
8 articles of agreement shall be by Australian ballot and shall proceed pursuant
9 to sections 737 (warnings of unified union school district meetings) and 739–
10 742 (vote by Australian ballot) of this chapter for unified union school districts
11 and sections 755 (warnings of union elementary and union high school district
12 meetings) and 757–759 (vote by Australian ballot) for union elementary and
13 union high school districts. The warning shall contain each proposed
14 amendment as a distinct question to be determined separately. The provisions
15 of this subsection shall not apply to any issue to the extent that a different
16 section of law provides a specific amendment procedure.

17 (g) Effect of section. Notwithstanding the provisions of this section,
18 neither the electorate nor the board shall amend a union district's articles of
19 agreement in a manner that is otherwise contrary to law.

§ 722. DECISION TO VOTE BY AUSTRALIAN BALLOT

(a) If a union school district's articles of agreement do not provide that the election of board members or district officers, budget votes, or votes on other public questions shall proceed by Australian ballot, then the voters of a union school district may vote to do so at any annual or special meeting of the union school district where the question has been duly warned.

(b) Any category of vote to be taken by Australian ballot shall proceed in this manner in all towns within or member districts of a union school district.

(c) If voting in a unified union school district proceeds by Australian ballot, then the provisions of sections 739–742 (vote by Australian ballot) of this chapter shall apply to all votes taken by Australian ballot.

(d) If voting in a union elementary or union high school district proceeds by Australian ballot, then the voters shall also determine whether the ballots shall be commingled prior to counting total votes cast by Australian ballot in the union district.

(1) If the voters determine that the ballots shall not be commingled for counting in this manner, then the board of civil authority of each town within the union elementary or union high school district shall count the ballots cast in that town and report that town's results to the clerk of the union elementary or union high school district, who shall calculate the total votes cast within the district and report the total result to the public.

1 ~~(2) If the voters determine that the ballots shall be commingled for~~
2 counting, then the ballots shall be deposited in separate ballot boxes at each
3 polling location and the provisions of sections 757–759 (vote by Australian
4 ballot) of this chapter shall apply.

5 (e) The vote on whether to proceed by Australian ballot shall be taken by
6 paper ballot.

7 (f) Unless clearly inconsistent, the provisions of 17 V.S.A. chapter 55 shall
8 apply to actions taken under this section.

9 § 724. WITHDRAWAL FROM OR DISSOLUTION OF A UNIFIED

10 UNION SCHOOL DISTRICT

11 (a) Definition. As used in this section, “petitioning town” means the town
12 within a unified union school district that seeks to withdraw from the union
13 district pursuant to the provisions of this section.

14 (b) Withdrawal study committee.

15 (1) To initiate the process set forth in this section, the voters residing in
16 the petitioning town shall submit petitions to the clerk of the unified union
17 school district indicating the petitioners’ desire to withdraw the petitioning
18 town from the union district. Individual petitions shall be signed by at least
19 five percent of the voters residing in each of the towns within the union school
20 district, with each town having its own petition. The petitioners shall submit
21 each petition to that town’s town clerk for verification of the voting

1 ~~registration status of the signers. On a form created by the Secretary of State's~~
2 Office, and appended to each petition, shall be the names of three voters
3 residing in the petitioning town to serve on a withdrawal study committee and
4 a signed statement by each of the three named voters consenting to serve.

5 Once each petition has been verified by the subject town clerk, the petitioners
6 shall submit the petitions to the clerk of the unified union school district.

7 (2) Within 30 days after receiving the petition, the board of the union
8 district shall recognize the creation of the withdrawal study committee and
9 shall appoint a board subcommittee to serve as a liaison between the board and
10 the withdrawal study committee and to represent the interests of the union
11 district.

12 (3) Within 30 days after the board's appointment of the liaison
13 subcommittee, the superintendent of the union district shall convene the first
14 formal meeting of the withdrawal study committee. The study committee shall
15 elect one committee member to serve as chair.

16 (4) Before beginning any analysis under subsection (c) of this section or
17 seeking technical or analytical services from the union district staff or
18 supervisory union staff, or both, the withdrawal study committee shall obtain a
19 letter of commitment from a supervisory union board to explore the provision
20 of supervisory union services if withdrawal is ultimately approved.

1 ~~(5) The withdrawal study committee is a public body pursuant to~~
2 ~~1 V.S.A. § 310(4) and is subject to the requirements of chapter 5, subchapter 2~~
3 ~~of that title.~~

4 ~~(c) Analysis. The withdrawal study committee shall evaluate the strengths~~
5 ~~and challenges of the current union district structure and consider the ways in~~
6 ~~which the union district promotes or fails to promote the State policy set forth~~
7 ~~in section 701 of this chapter. At a minimum, the withdrawal study committee~~
8 ~~shall evaluate:~~

9 ~~(1) the educational advantages and disadvantages likely to result from~~
10 ~~the proposed withdrawal of the petitioning town from the union district:~~

11 ~~(A) on the students residing in the proposed new school district; and~~

12 ~~(B) on the students remaining in the union district if withdrawal is~~
13 ~~approved;~~

14 ~~(2) the educational advantages and disadvantages likely to result from~~
15 ~~the continued inclusion of the petitioning town as a town within the union~~
16 ~~district:~~

17 ~~(A) on the students residing in the petitioning town; and~~

18 ~~(B) on the students residing in the other towns within the union~~
19 ~~district;~~

20 ~~(3) the financial advantages and disadvantages likely to result from the~~
21 ~~proposed withdrawal of the petitioning town from the union district.~~

1 ~~(A) on the taxpayers residing in the proposed new school district; and~~

2 ~~(B) on the taxpayers remaining in the union district if withdrawal is~~
3 ~~approved;~~

4 ~~(4) the financial advantages and disadvantages likely to result from the~~
5 ~~continued inclusion of the petitioning town as a town within the union district:~~

6 ~~(A) on the taxpayers residing in the petitioning town; and~~

7 ~~(B) on the taxpayers residing in the other towns within the union~~
8 ~~district;~~

9 ~~(5) the likely operational and financial viability and sustainability of:~~

10 ~~(A) the proposed new school district; and~~

11 ~~(B) the union district if withdrawal is approved;~~

12 ~~(6) any other advantages and disadvantages of withdrawal, including~~
13 ~~any advantages and disadvantages to the students and taxpayers of the region~~
14 ~~and the State; and~~

15 ~~(7) the potential source of supervisory union services for the proposed~~
16 ~~new school district, including discussions with the board of any supervisory~~
17 ~~union to which the report of the withdrawal study committee might propose~~
18 ~~assignment.~~

19 ~~(d) Report, including a plan for withdrawal; decision not to prepare report.~~

20 ~~(1) Report supporting withdrawal.~~

1 ~~(A) If, after conducting the analysis required by subsection (c) of this~~
2 ~~section, the withdrawal study committee votes to advance the withdrawal~~
3 ~~process as further outlined in this section, then the committee shall prepare a~~
4 ~~report, which it shall deliver electronically to the union district board and~~
5 ~~which the superintendent shall publish on the district's website.~~

6 (B) At a minimum, the report shall include:

7 (i) the analysis conducted pursuant to subsection (c) of this
8 section, describing the ways in which the data and analysis:

9 (I) support withdrawal; and

10 (II) do not support the continuation of the union district in its
11 current configuration;

12 (ii) the proposed financial terms of withdrawal, including the
13 proposed ownership of buildings and other assets and the proposed
14 responsibility for financial and other contractual obligations, including debts;

15 (iii) a plan, including a detailed timeline, for the actions the
16 proposed new school district would take to ensure that, on the proposed
17 operational date, it could provide for the education of its students in
18 prekindergarten through grade 12 by operating all grades, tuitioning all grades,
19 or operating some grades and tuitioning the remainder, in a manner that will
20 meet educational quality standards as required by section 165 of this title, and
21 including, if applicable, the process by which the proposed new school district

1 ~~would explore formation of a new union school district with one or more other~~
2 school districts in the region and would integrate or condition any votes to
3 withdraw with votes on formation of a new union district;

4 (iv) a proposal, including analysis, for the potential source of
5 supervisory union services for the proposed new school district, including, if
6 applicable to the proposal:

7 (I) a recommendation of one or more potential supervisory
8 unions to which the State Board could assign the proposed new school district;
9 and

10 (II) a statement from the board of the potential supervisory
11 union or unions regarding the ability and willingness to accept the proposed
12 new school district as a member district.

13 (C) The union district board shall invite the members of the
14 withdrawal study committee to attend a regularly scheduled meeting of the
15 board to present the contents of its report and to answer any questions posed
16 by the board. The board shall also invite the members of the liaison
17 subcommittee to share any analysis and conclusions at the meeting. The
18 withdrawal study committee has sole authority to determine the contents of its
19 report.

1 ~~(2) Decision not to propose withdrawal. If, after conducting the~~
2 analysis required by subsection (c) of this section, the withdrawal study
3 committee votes not to approve advancement of the withdrawal process, then:

4 (A) the withdrawal study committee shall prepare a brief written
5 statement explaining the reasons underlying the votes supporting and not
6 supporting advancement, which it shall deliver electronically to the union
7 district board and which the superintendent shall publish on the district's
8 website;

9 (B) the union district board shall invite the members of the
10 withdrawal study committee to attend a regularly scheduled meeting of the
11 board to present the contents of the written statement and to answer any
12 questions posed by the board; and

13 (C) the withdrawal study committee shall cease to exist upon
14 adjournment of the union district board's meeting.

15 (e) Secretary and State Board.

16 (1) Secretary. If the study committee voted to proceed pursuant to
17 subdivision (d)(1) of this section, then it shall deliver its report electronically
18 to the Secretary for review. The liaison subcommittee may also submit a
19 report outlining its analysis and conclusions. The Secretary shall submit the
20 report or reports, with recommendations, to the State Board.

1 (2) State Board review. The State Board:

2 (A) shall consider the report or reports and the Secretary's
3 recommendations;

4 (B) shall provide representatives of the withdrawal study committee
5 and the liaison subcommittee an opportunity to be heard;

6 (C) may, in its discretion, take testimony from other individuals and
7 entities;

8 (D) may ask the Secretary, the withdrawal study committee, or the
9 liaison subcommittee to make further investigation and may consider any other
10 information the State Board deems to be pertinent; and

11 (E) may request the members of the withdrawal study committee to
12 amend the report.

13 (3) State Board action.

14 (A) Advisory opinion with positive recommendation. If the State
15 Board finds that the withdrawal proposal contained in the report, including the
16 most feasible options for the provision of supervisory union services to the
17 proposed new school district, is in the best interests of the State, the region, the
18 students, and the school districts, and aligns with the policy set forth in section
19 701 of this title, then the State Board shall:

20 (i) issue an opinion recommending approval of the withdrawal
21 proposal,

1 ~~(ii) provide a preliminary assessment of most feasible options for~~
2 ~~the provision of supervisory union services to the proposed new school district~~
3 ~~if withdrawal is approved by the voters; and~~

4 ~~(iii) make any other finding or declaration, and approve any other~~
5 ~~motion, related and necessary to the withdrawal proposal.~~

6 ~~(B) Advisory opinion with negative recommendation. If the State~~
7 ~~Board finds that the withdrawal proposal contained in the report, including the~~
8 ~~most feasible options for the provision of supervisory union services to the~~
9 ~~proposed new school district, is not in the best interests of the State, the~~
10 ~~region, the students, and the school districts, or does not align with the policy~~
11 ~~set forth in section 701 of this title, or both, then the State Board shall:~~

12 ~~(i) issue an opinion recommending disapproval of the withdrawal~~
13 ~~proposal, including a written statement detailing the reasons supporting this~~
14 ~~conclusion;~~

15 ~~(ii) provide a preliminary assessment of most feasible options for~~
16 ~~the provision of supervisory union services to the proposed new school district~~
17 ~~if withdrawal is approved by the voters; and~~

18 ~~(iii) make any other finding or declaration, and approve any other~~
19 ~~motion, related and necessary to the withdrawal proposal.~~

20 ~~(f) Vote of the electorate.~~

21 ~~(1) Vote following positive recommendation of the State Board.~~

1 (A) Within 30 days after receipt of the State Board's written
2 recommendation, the superintendent shall file the withdrawal study
3 committee's report, the State Board's written recommendation, and any report
4 of the liaison subcommittee with the clerk of the union district and the town
5 clerk of each town within the union district.

6 (B) Within 90 days after the clerk of the union district receiving the
7 reports and recommendations described in subdivision (A) of this subsection,
8 the voters of the union district, including those residing in the petitioning
9 town, shall vote whether to approve withdrawal as set forth in the report. The
10 question shall be determined by Australian ballot and shall proceed pursuant to
11 sections 737 (warnings of unified union school district meetings) and 739-742
12 (vote by Australian ballot) of this chapter.

13 (C) Withdrawal from the union district shall occur if the question is
14 approved by a majority vote of the union district voters living in each town
15 within the district, including the petitioning town. If a majority of the voters
16 in one or more towns within the union district do not vote in favor of
17 withdrawal, then the proposed withdrawal shall not occur.

18 (D) Within 45 days after the vote or 15 days after a vote to
19 reconsider the original vote under 17 V.S.A. § 2661, whichever is later, the
20 clerk of each town within the union district shall certify the results of the vote
21 to the Secretary of Education, and the Secretary shall advise the State Board of

1 ~~the certified results. Each clerk shall submit the certification regardless of~~
2 whether the voters in that town approved withdrawal. The withdrawal study
3 committee shall cease to exist when each clerk has submitted a certification to
4 the Secretary.

5 (2) Vote following negative recommendation of the State Board.

6 (A) The superintendent shall file the withdrawal study committee's
7 report, the State Board's written recommendation, and any report of the liaison
8 subcommittee with the clerk of the union district and with the town clerk of
9 each town within the union district.

10 (B) The union district voters residing in the petitioning town shall
11 vote whether to withdraw from the union district pursuant to the terms set
12 forth in the report.

13 (i) The question shall be determined by Australian ballot and shall
14 proceed pursuant to sections 737 (warnings of unified union school district
15 meetings) and 739–742 (vote by Australian ballot) of this chapter.

16 (ii) The withdrawal proposal shall proceed to a vote in each of the
17 other towns within the union district if approved by at least 60 percent of the
18 union district voters residing in the petitioning town present and voting yes or
19 no on the warned question. If this percentage is not met, then the proposed
20 withdrawal shall not occur.

1 (C) Within 45 days after the vote in subdivision (B) of this
2 subdivision (f)(2) or 15 days after a vote to reconsider the original vote under
3 17 V.S.A. § 2661, whichever is later, the clerk of the petitioning town shall
4 certify the results of the vote to the Secretary of State who shall record the
5 certificate and give notice of the vote to the clerk of the union district, the
6 clerks of each of the other towns within the union district, and the Secretary of
7 Education. The clerk of the petitioning town shall submit the certification
8 regardless of whether the voters in the petitioning town approved withdrawal.
9 The withdrawal study committee shall cease to exist upon submission of the
10 certification.

11 (D) If the union district voters residing in the petitioning town
12 approve the withdrawal proposal pursuant to subdivision (B) of this
13 subdivision (f)(2), then, within 90 days after receiving notice of the
14 certification as required in subdivision (C), the voters of the union district
15 residing in each of the other towns shall vote on the same day whether to
16 approve withdrawal of the petitioning town as set forth in the final report.

17 (i) The question shall be determined by Australian ballot and shall
18 proceed pursuant to sections 737 (warnings of unified union school district
19 meetings) and 739–742 (vote by Australian ballot) of this chapter.

20 (ii) Withdrawal from the union district shall occur if the question
21 is approved by a majority vote of the union district voters living in each of the

1 ~~other towns within the union district. If a majority of the voters in one or~~
2 more towns within the union district do not vote in favor of withdrawal, then
3 the proposed withdrawal shall not occur.

4 (E) Within 45 days after the vote in subdivision (D) of this
5 subdivision (f)(2) or 15 days after a vote to reconsider the original vote under
6 17 V.S.A. § 2661, whichever is later, the clerk of each of the other towns
7 within the union district shall certify the results of the vote to the Secretary of
8 Education, and the Secretary shall advise the State Board of the certified
9 results. Each clerk shall submit the certification regardless of whether the
10 voters in that town approved withdrawal. The withdrawal study committee
11 shall cease to exist when each clerk has submitted a certification to the
12 Secretary.

13 (g) Election of potential board members. On the day on which they vote
14 whether to approve withdrawal, the union district voters residing in the
15 petitioning town shall also vote for three individual registered voters from the
16 petitioning town to serve as the initial members of the proposed new school
17 district's board if withdrawal is approved. The nomination and election of the
18 initial members shall proceed pursuant to subdivision 730(a)(1) of this chapter
19 (election of board members under the proportional to town model by
20 Australian ballot). The term of office for each initial member shall be
21 arranged so that one term expires on the day of the second annual meeting of

1 ~~the proposed new school district, one term expires on the day of the third~~
2 annual meeting, and one term expires on the day of the fourth annual meeting.

3 (h) State Board's duties if withdrawal is approved. If the union district
4 voters approve withdrawal pursuant to subsection (f) of this section, then upon
5 receiving notice from the Secretary pursuant to subdivision (f)(1)(D) or
6 (f)(2)(E) of this section, the State Board shall:

7 (1) Declare the withdrawal approved as of the date of the Board's
8 meeting; provided, however, that withdrawal shall not be final until the date
9 identified in the voter-approved proposal of withdrawal.

10 (2) Declare the creation and existence of the new school district,
11 effective on the date of the Board's declaration; provided, however, that:

12 (A) the new school district shall assume full and sole responsibility
13 for the education of its resident students on the date identified in the voter-
14 approved proposal of withdrawal; and

15 (B) until the identified operational date, the new school district shall
16 exist for the sole purposes of:

17 (i) convening an organizational meeting of the voters of the new
18 school district to prepare the district to assume its responsibilities;

19 (ii) organizing the school board of the new school district, which
20 shall be responsible for preparing a proposed budget for the fiscal year

21 beginning on the identified operational date,

1 ~~(iii) approving the budget of the new school district for the fiscal~~
2 ~~year beginning on the identified operational date; and~~

3 ~~(iv) taking any other actions necessary, as district voters or as a~~
4 ~~school board, for the new school district to assume full responsibility for~~
5 ~~providing for the education of the district's resident students in all grades,~~
6 ~~prekindergarten through grade 12, on the identified operational date.~~

7 ~~(3) Determine or set a schedule for determining the manner in which~~
8 ~~supervisory union services will be provided to the new school district, to be~~
9 ~~effective on the district's identified operational date.~~

10 ~~(A) In addition to the considerations set forth in section 261 of this~~
11 ~~title, when the State Board makes its determination, it shall consider the~~
12 ~~potential positive and negative consequences on all affected districts and~~
13 ~~supervisory unions if supervisory union services were provided to the new~~
14 ~~school district in a manner that required:~~

15 ~~(i) a union district serving as its own supervisory district to~~
16 ~~become a member of a multidistrict supervisory union; or~~

17 ~~(ii) a neighboring supervisory union to accept one or more~~
18 ~~additional districts that the supervisory union testifies it is not able to~~
19 ~~accommodate.~~

20 ~~(B) If assigned to a multidistrict supervisory union, then the board of~~
21 ~~the new school district may appoint its members to the supervisory union~~

1 ~~board pursuant to section 266 of this title, where they may participate as~~
2 non-voting members of that board until the new school district's operational
3 date.

4 (i) Certification; Secretary of State. If the State Board declares the creation
5 and existence of a new school district pursuant to subdivision (h)(2) of this
6 section, then the Secretary of Education shall certify the adjustment of the
7 towns within the union district to the Secretary of State. When the Secretary
8 of State records the certification of the Secretary of Education, the towns
9 within the union district shall be adjusted accordingly; provided, however, that
10 the voter-approved proposal of withdrawal shall establish the date on which
11 withdrawal shall be final, the new school district shall assume full and sole
12 responsibility for the education of its resident students, and the union school
13 district shall no longer have responsibility for the education of those students.
14 Not more than 14 days after the date the Secretary of Education certifies the
15 adjustment, the Secretary of State shall file a certified copy of the recorded
16 certification with the clerk of the union district and the clerk for the town in
17 which the new school district is located. Filing a certified copy with the clerks
18 shall be prima facie evidence of full compliance with the requirements for
19 adjusting the union school district by withdrawal as set forth in this section.

20 ~~(j) Timing of action.~~

1 ~~(1) The voters residing in any town within a union district shall not~~
2 ~~initiate the withdrawal process set forth in this section within the first year~~
3 ~~after the latter of the operational date of a newly formed union district or, if~~
4 ~~applicable, the operational date of a union district adjusted pursuant to~~
5 ~~subsection (i) of this section.~~

6 ~~(2) If a petitioning town's action to withdraw from a union school~~
7 ~~district is unsuccessful, then the voters residing in that town shall not initiate a~~
8 ~~new withdrawal action under this section until two years after either a~~
9 ~~withdrawal study committee votes not to approve advancement of the~~
10 ~~withdrawal process or the vote by the voters that concluded the initial~~
11 ~~withdrawal action.~~

12 § 725. WITHDRAWAL FROM OR DISSOLUTION OF A

13 UNION ELEMENTARY OR UNION HIGH SCHOOL DISTRICT

14 (a) Definition. As used in this section:

15 (1) "Petitioning district" means:

16 (A) a member district of a union elementary or union high school
17 district that seeks to withdraw from the union district pursuant to the
18 provisions of this section; or

19 (B) a town that is a member of both a union elementary school
20 district and a union high school district, is not independently organized as a
21 district that is responsible for the education of students in any grade, does not

1 ~~have a town school district board, and that seeks to withdraw from a union~~
2 ~~elementary or union high school district pursuant to the provisions of this~~
3 ~~section.~~

4 ~~(2) “New school district” means the petitioning district once the State~~
5 ~~Board has declared it to be withdrawn from the union elementary or union~~
6 ~~high school district.~~

7 ~~(b) Withdrawal study committee.~~

8 ~~(1) To initiate the process set forth in this section, the board of the~~
9 ~~petitioning district shall submit a petition to the clerk of the union elementary~~
10 ~~or union high school district indicating its desire to withdraw the petitioning~~
11 ~~district from the union district and identifying at least three board members of~~
12 ~~the petitioning district who will serve on a withdrawal study committee. The~~
13 ~~board of the petitioning district shall submit the petition to the clerk of the~~
14 ~~union school district after either a vote by the board of the petitioning district~~
15 ~~or receipt of individual petitions signed by at least five percent of the voters~~
16 ~~residing in the petitioning district and five percent of the voters residing in~~
17 ~~each of the other member districts within the union school district, with each~~
18 ~~member district having its own petition. The clerk of the petitioning district~~
19 ~~shall submit each petition to the subject member district’s clerk for verification~~
20 ~~of the voting registration of the signors. Once each petition has been verified~~
21 ~~by the subject district clerk, the board of the petitioning district shall append~~

1 ~~the individual petitions to the withdrawal petition it sends to the clerk of the~~
2 union district.

3 (2) To initiate the process set forth in this section if the petitioning
4 district does not have a town school district board, the voters residing in the
5 petitioning district shall submit petitions to the clerk of the unified union
6 school district indicating the petitioners' desire to withdraw the petitioning
7 district from the union district. Individual petitions shall be signed by at least
8 five percent of the voters residing in the petitioning district and five percent of
9 the voters residing in each of the member districts within the union school
10 district, with each district having its own petition. The petitioning district shall
11 submit each petition to that district's clerk for verification of the voting
12 registration status of the signors. On a form created by the Secretary of State's
13 Office, and appended to each petition, shall be the names of three voters
14 residing in the petitioning district to serve on a withdrawal study committee
15 and a signed statement by each of the three named voters consenting to serve.
16 Once each petition has been verified by the subject district clerk, the
17 petitioning district shall submit the petitions to the clerk of the union school
18 district.

19 (3) Within 30 days after receiving the petition, the board of the union
20 district shall recognize the creation of the withdrawal study committee and
21 shall appoint a board subcommittee to serve as a liaison between the board and

1 the withdrawal study committee and to represent the interests of the union
2 district.

3 (4) Within 30 days after the board's appointment of the liaison
4 subcommittee, the superintendent of the union district shall convene the first
5 formal meeting of the withdrawal study committee. The study committee shall
6 elect one committee member to serve as Chair.

7 (5) Before beginning any analysis under subsection (c) of this section or
8 seeking technical or analytical services from the union district staff or
9 supervisory union staff, or both, the withdrawal study committee shall obtain a
10 letter of commitment from a supervisory union board to explore the provision
11 of supervisory union services if withdrawal is ultimately approved.

12 (6) The withdrawal study committee is a public body pursuant to
13 1 V.S.A. § 310(4) and is subject to the requirements of chapter 5, subchapter 2
14 of that title.

15 (c) Analysis. The withdrawal study committee shall evaluate the strengths
16 and challenges of the current union district structure and consider the ways in
17 which the union district promotes or fails to promote the State policy set forth
18 in section 701 of this chapter. At a minimum, the withdrawal study committee
19 shall evaluate.

1 ~~(1) the educational advantages and disadvantages likely to result from~~
2 the proposed withdrawal of the petitioning district from the union elementary
3 or union high school district:

4 (A) on the students residing in the proposed new school district; and

5 (B) on the students remaining in the union district if withdrawal is
6 approved;

7 (2) the educational advantages and disadvantages likely to result from
8 the continued inclusion of the petitioning district as a member district of the
9 union elementary or union high school district:

10 (A) on the students residing in the petitioning district; and

11 (B) on the students residing in the other member districts of the
12 union district;

13 (3) the financial advantages and disadvantages likely to result from the
14 proposed withdrawal of the petitioning district from the union elementary or
15 union high school district:

16 (A) on the taxpayers residing in the proposed new school district; and

17 (B) on the taxpayers remaining in the union district if withdrawal is
18 approved;

19 (4) the financial advantages and disadvantages likely to result from the
20 continued inclusion of the petitioning district within the union elementary or
21 union high school district.

1 ~~(A) on the taxpayers residing in the petitioning district; and~~

2 ~~(B) on the taxpayers residing in the other member districts within the~~

3 ~~union district;~~

4 ~~(5) the likely operational and financial viability and sustainability of:~~

5 ~~(A) the proposed new school district; and~~

6 ~~(B) the union elementary or union high school district if withdrawal~~

7 ~~is approved;~~

8 ~~(6) any other advantages and disadvantages of withdrawal, including~~

9 ~~any advantages and disadvantages to the students and taxpayers of the region~~

10 ~~and the State; and~~

11 ~~(7) the potential source of supervisory union services for the proposed~~

12 ~~new district, including discussions with the board of any supervisory union to~~

13 ~~which the report of the withdrawal study committee might propose assignment~~

14 ~~or the continuation of assignment.~~

15 ~~(d) Report, including a plan for withdrawal; decision not to prepare report.~~

16 ~~(1) Report supporting withdrawal.~~

17 ~~(A) If, after conducting the analysis required by subsection (c) of this~~

18 ~~section, the withdrawal study committee votes to advance the withdrawal~~

19 ~~process as further outlined in this section, then the committee shall prepare a~~

20 ~~report, which it shall deliver electronically to the union district board and~~

21 ~~which the superintendent shall publish on the district's website.~~

1 ~~(B) At a minimum, the report shall include:~~

2 ~~(i) the analysis conducted pursuant to subsection (c) of this~~

3 ~~section, describing the ways in which the data and analysis:~~

4 ~~(I) support withdrawal; and~~

5 ~~(II) do not support the continuation of the union elementary or~~

6 ~~union high school district in its current configuration;~~

7 ~~(ii) the proposed financial terms of withdrawal, including the~~

8 ~~proposed ownership of buildings and other assets and the proposed~~

9 ~~responsibility for financial and other contractual obligations, including debts;~~

10 ~~(iii) a plan, including a detailed timeline, for the actions the~~

11 ~~proposed new school district would take to ensure that, on the proposed~~

12 ~~operational date, it could provide for the education of its students in the grades~~

13 ~~for which the union elementary or union high school district is organized, in a~~

14 ~~manner that will meet educational quality standards as required by section 165~~

15 ~~of this title, and including, if applicable, the process by which the proposed~~

16 ~~new school district would explore formation of a new union district with one~~

17 ~~or more other school districts in the region and would integrate or condition~~

18 ~~any votes to withdraw with votes on formation of a new union district;~~

19 ~~(iv) a proposal, including analysis, for the source of supervisory~~

20 ~~union services for the proposed new school district.~~

1 ~~(C) The union elementary or union high school district board shall~~
2 invite the members of the withdrawal study committee to attend a regularly
3 scheduled meeting of the board to present the contents of its report and to
4 answer any questions posed by the board. The board shall also invite the
5 members of the liaison subcommittee to share any analysis and conclusions at
6 the meeting. The withdrawal study committee has sole authority to determine
7 the contents of its report.

8 (2) Decision not to propose withdrawal. If, after conducting the
9 analysis required by subsection (c) of this section, the withdrawal study
10 committee votes not to approve advancement of the withdrawal process, then:

11 (A) the withdrawal study committee shall prepare a brief written
12 statement explaining the reasons underlying the votes supporting and not
13 supporting advancement, which it shall deliver electronically to the union
14 district board and which the superintendent shall publish on the district's
15 website;

16 (B) the union elementary or union high school district board shall
17 invite the members of the withdrawal study committee to attend a regularly
18 scheduled meeting of the board to present the contents of the written statement
19 and to answer any questions posed by the board, and

1 ~~(C) the withdrawal study committee shall cease to exist upon~~
2 adjournment of the union elementary or union high school district board's
3 meeting.

4 (e) Secretary and State Board.

5 (1) Secretary. If the study committee voted to proceed pursuant to
6 subdivision (d)(1) of this section, then it shall deliver its report electronically
7 to the Secretary for review. The liaison subcommittee may also submit a
8 report outlining its analysis and conclusions. The Secretary shall submit the
9 report or reports, with recommendations, to the State Board.

10 (2) State Board review. The State Board:

11 (A) shall consider the report or reports and the Secretary's
12 recommendations;

13 (B) shall provide representatives of the withdrawal study committee
14 and the liaison subcommittee an opportunity to be heard;

15 (C) may, in its discretion, take testimony from other individuals and
16 entities;

17 (D) may ask the Secretary, the withdrawal study committee, or the
18 liaison subcommittee to make further investigation and may consider any other
19 information the State Board deems to be pertinent; and

20 (E) may request the members of the withdrawal study committee to
21 amend the report.

(2) State Board action

(A) Advisory opinion with positive recommendation. If the State Board finds that the withdrawal proposal contained in the report is in the best interests of the State, the region, the students, and the school districts, and aligns with the policy set forth in section 701 of this title, then the State Board shall:

(i) issue an opinion recommending approval of the withdrawal proposal;

(ii) provide a preliminary assessment of the source of supervisory union services to the proposed new school district if withdrawal is approved by the voters; and

(iii) make any other finding or declaration, and approve any other motion, related and necessary to the withdrawal proposal.

(B) Advisory opinion with negative recommendation. If the State Board finds that the withdrawal proposal contained in the report is not in the best interests of the State, the region, the students, and the school districts or does not align with the policy set forth in section 701 of this title, or both, then the State Board shall:

(i) issue an opinion recommending disapproval of the withdrawal proposal, including a written statement detailing the reasons supporting this conclusion,

1 ~~(ii) provide a preliminary assessment of the source supervisory~~
2 union services to the proposed new school district if withdrawal is approved by
3 the voters; and

4 (iii) make any other finding or declaration, and approve any other
5 motion, related and necessary to the withdrawal proposal.

6 (f) Vote of the electorate.

7 (1) Vote following positive recommendation of the State Board.

8 (A) Within 30 days after receipt of the State Board's written
9 recommendation, the superintendent shall file the withdrawal study
10 committee's report, the State Board's written recommendation, and any report
11 of the liaison subcommittee with the clerk of the union elementary or union
12 high school district and the district clerk of each of the member districts within
13 the union elementary or union high school district.

14 (B) Within 90 days after the clerk of the union district receiving the
15 reports and recommendations described in subdivision (A) of this subsection,
16 the voters of the union elementary or union high school district, including
17 those residing in the petitioning district, shall vote whether to approve
18 withdrawal as set forth in the report. The question shall be determined by
19 Australian ballot and shall proceed pursuant to sections 755 (warnings of
20 union elementary and union high school district meetings) and 757-759 (vote
21 by Australian ballot) of this chapter.

1 ~~(C) Withdrawal from the union elementary or union high school~~
2 ~~district shall occur if the question is approved by a majority vote of the union~~
3 ~~district voters living in each of the member districts within the union~~
4 ~~elementary or union high school district, including in the petitioning district.~~
5 ~~If a majority of the voters in one or more member districts within the union~~
6 ~~elementary or union high school district do not vote in favor of withdrawal,~~
7 ~~then the proposed withdrawal shall not occur.~~

8 ~~(D) Within 45 days after the vote or 15 days after a vote to~~
9 ~~reconsider the original vote under 17 V.S.A. § 2661, whichever is later, the~~
10 ~~clerk of each member district within the union elementary or union high~~
11 ~~school district shall certify the results of the vote to the Secretary of Education,~~
12 ~~and the Secretary shall advise the State Board of the certified results. Each~~
13 ~~clerk shall submit the certification regardless of whether the voters in that~~
14 ~~district approved withdrawal. The withdrawal study committee shall cease to~~
15 ~~exist when each clerk has submitted a certification to the Secretary.~~

16 ~~(E) If the petitioning district or one of the other member districts~~
17 ~~does not have a town school district board, the legislative body or appropriate~~
18 ~~officer of the town shall perform electoral functions, including warning~~
19 ~~meetings and conducting the voting process, ordinarily performed by and in~~
20 ~~member districts on behalf of a union school district.~~

21 ~~(2) Vote following negative recommendation of the State Board.~~

1 ~~(A) The superintendent shall file the withdrawal study committee's~~
2 ~~report, the State Board's written recommendation, and any report of the liaison~~
3 ~~subcommittee with the clerk of the union elementary or union high school~~
4 ~~district and the district clerk of each of the member districts within the union~~
5 ~~elementary or union high school district.~~

6 (B) ~~The union district voters residing in the petitioning district shall~~
7 ~~vote whether to withdraw from the union elementary or union high school~~
8 ~~district pursuant to the terms set forth in the report.~~

9 (i) ~~The question shall be determined by Australian ballot and shall~~
10 ~~proceed pursuant to sections 755 (warnings of union elementary and union~~
11 ~~high school district meetings) and 757-759 (vote by Australian ballot) of this~~
12 ~~chapter.~~

13 (ii) ~~The withdrawal proposal shall proceed to a vote in each of the~~
14 ~~other member districts within the union elementary or union high school~~
15 ~~district if approved by at least 60 percent of the union district voters residing in~~
16 ~~the petitioning district present and voting yes or no on the warned question. If~~
17 ~~this percentage is not met, then the proposed withdrawal shall not occur.~~

18 (C) ~~Within 45 days after the vote in subdivision (B) of this~~
19 ~~subdivision (f)(2) or 15 days after a vote to reconsider the original vote under~~
20 ~~17 V.S.A. § 2661, whichever is later, the clerk of the petitioning district shall~~
21 ~~certify the results of the vote to the Secretary of State who shall record the~~

1 ~~certificates and give notice of the vote to the clerk of the union elementary or~~
2 union high district, the clerks of each of the other member districts within the
3 union district, and the Secretary of Education. The clerk of the petitioning
4 district shall submit the certification regardless of whether the voters in the
5 petitioning district approved withdrawal. The withdrawal study committee
6 shall cease to exist upon submission of the certification.

7 (D) If the union elementary or union high school district voters
8 residing in the petitioning district approve the withdrawal proposal pursuant to
9 subdivision (B) of this subdivision (f)(2), then, within 90 days after receiving
10 notice of the certification as required in subdivision (C) of this subdivision
11 (f)(2), the voters of the union elementary or union high school district residing
12 in each of the other member districts shall vote on the same day whether to
13 approve withdrawal of the petitioning district as set forth in the final report.

14 (i) The question shall be determined by Australian ballot and shall
15 proceed pursuant to sections 755 (warnings of union elementary and union
16 high school district meetings) and 757–759 (vote by Australian ballot) of this
17 chapter.

18 (ii) Withdrawal from the union elementary or union high school
19 district shall occur if the question is approved by a majority vote of the union
20 district voters living in each of the other member districts within the union
21 elementary or union high school district. If a majority of the voters living in

1 ~~one or more member districts within the union district do not vote in favor of~~
2 withdrawal, then the proposed withdrawal shall not occur.

3 (E) Within 45 days after the vote in subdivision (D) of this
4 subdivision (f)(2) or 15 days after a vote to reconsider the original vote under
5 17 V.S.A. § 2601, whichever is later, the clerk of each of the other member
6 districts within the union elementary or union high school district shall certify
7 the results of the vote to the Secretary of Education, and the Secretary shall
8 advise the State Board of the certified results. Each clerk shall submit the
9 certification regardless of whether the voters in that member district approved
10 withdrawal. The withdrawal study committee shall cease to exist when each
11 clerk has submitted a certification to the Secretary.

12 (F) If the petitioning district or one of the other member districts
13 does not have a town school district board, the legislative body or appropriate
14 officer of the town shall perform electoral functions, including warning
15 meetings and conducting the voting process, ordinarily performed by and in
16 member districts on behalf of a union school district.

17 (g) Election of potential board members. If the petitioning district does not
18 have a town school district board, on the day on which they vote whether to
19 approve withdrawal, the union district voters residing in the petitioning school
20 district shall also vote for three individual registered voters from the
21 petitioning district to serve as the initial members of the proposed new school

1 ~~district's board if withdrawal is approved. The nomination and election of the~~
2 initial members shall proceed pursuant to subdivision 748(a)(1) of this chapter
3 (election of board members under the proportional to town model by
4 Australian ballot). The term of office for each initial member shall be
5 arranged so that one term expires on the day of the second annual meeting of
6 the proposed new school district, one term expires on the day of the third
7 annual meeting, and one term expires on the day of the fourth annual meeting.

8 (h) State Board's duties if withdrawal is approved. If the union elementary
9 or union high school district voters approve withdrawal pursuant to subsection
10 (f) of this section, then upon receiving notice from the Secretary pursuant to
11 subdivision (f)(1)(D) or (f)(2)(E) of this section, the State Board shall:

12 (1) declare the withdrawal approved as of the date of the Board's
13 meeting; provided, however, that withdrawal shall not be final until the date
14 identified in the voter-approved proposal of withdrawal;

15 (2) declare it to be the obligation of the new school district to assume
16 responsibility for the education of its residents in the grades for which the
17 union elementary or union high school district was previously responsible,
18 effective on the date of the Board's declaration; provided, however, that:

19 (A) the new school district shall assume full and sole responsibility
20 for the education of its resident students in the grades for which the union

1 ~~elementary or union high school district was previously responsible on the date~~
2 ~~identified in the voter-approved proposal of withdrawal; and~~

3 ~~(B) until the identified operational date, the new school district shall~~
4 ~~exist for the sole purposes of:~~

5 ~~(i) providing for the education of its residents in the grades for~~
6 ~~which it was organized prior to withdrawal;~~

7 ~~(ii) convening an organizational meeting of the voters of the new~~
8 ~~school district to prepare the district to assume its new responsibilities if the~~
9 ~~petitioning district did not have a town school district board;~~

10 ~~(iii) organizing the school board of the new school district if the~~
11 ~~petitioning district did not have a town school district board;~~

12 ~~(iv) preparing a proposed budget for the fiscal year beginning on~~
13 ~~the identified operational date;~~

14 ~~(v) approving the budget of the new school district for the fiscal~~
15 ~~year beginning on the identified operational date; and~~

16 ~~(vi) taking any other actions necessary, as district voters or as a~~
17 ~~school board, for the new school district to assume full responsibility for~~
18 ~~providing for the education of the district's resident students in the grades it is~~
19 ~~now organized to provide for, on the identified operational date; and~~

20 ~~(3) ensure a smooth transition of supervisory services, to be effective on~~
21 ~~the district's identified operational date.~~

1 ~~(i) Certification: Secretary of State. If the State Board declares it to be the~~
2 obligation of the new school district pursuant to subdivision (h)(2) of this
3 section to provide for the education of resident students who were formerly the
4 responsibility of the union elementary or union high school district, then the
5 Secretary of Education shall certify the adjustment of the member districts
6 within the union elementary or union high school district to the Secretary of
7 State. When the Secretary of State records the certification of the Secretary of
8 Education, the member districts within the union elementary or union high
9 school district shall be adjusted accordingly; provided, however, that the voter-
10 approved proposal of withdrawal shall establish the date on which withdrawal
11 shall be final, the new school district shall assume full and sole responsibility
12 for the education of its residents in the grades for which it is now organized,
13 and the union school district shall no longer have responsibility for the
14 education of those students. Not more than 14 days after the date the Secretary
15 of Education certifies the adjustment, the Secretary of State shall file a
16 certified copy of the recorded certification with the clerk of the union
17 elementary or union school district and the clerk for new school district.
18 Filing a certified copy with the clerks shall be prima facie evidence of full
19 compliance with the requirements for adjusting the union school district by
20 withdrawal as set forth in this section.

21 ~~(j) Timing of action.~~

1 ~~(1) The voters residing in any member district within a union~~
2 ~~elementary or union high school district shall not initiate the withdrawal~~
3 ~~process set forth in this section within the first year after the latter of the~~
4 ~~operational date of a newly formed union elementary or union high school~~
5 ~~district or, if applicable, the operational date of a union elementary or union~~
6 ~~high school district adjusted pursuant to subsection (h) of this section.~~

7 ~~(2) If a petitioning district's action to withdraw from a union elementary~~
8 ~~or union high school district is unsuccessful, then the voters residing in that~~
9 ~~member district shall not initiate a new withdrawal action under this section~~
10 ~~until two years after either a withdrawal study committee votes not to approve~~
11 ~~advancement of the withdrawal process or the vote by the voters that~~
12 ~~concluded the initial withdrawal action.~~

13 Subchapter 3. Unified Union School Districts

14 Article 1. Unified Union School Districts – Boards and Board Members

15 § 729. BOARD MEMBERS; TERM; CONDUCT OF MEETINGS;

16 QUORUM AND VOTING; POWERS AND DUTIES

17 (a) Members. Except as set forth in subchapter 2 (exploration, formation,
18 and organization) of this chapter for initial members, each member of the
19 board of a unified union school district shall:

20 (1) be elected by the voters at a warned meeting of the unified union
21 school district pursuant to sections 730 (nomination and election of unified

1 ~~union school district board members) and 737 (warnings of unified union~~
2 school district meetings) of this title;

3 (2) assume office upon election, except as provided in subdivision
4 737(f)(3) (warnings of unified union school district meetings) of this chapter;
5 and

6 (3) be sworn in before entering upon the duties of the office.

7 (b) Term. A member elected at an annual meeting shall serve for a term of
8 three years or until the member's successor is elected and has taken the oath of
9 office. A member elected at a special meeting shall serve for the balance of
10 the term of office remaining.

11 (c) Quorum. A majority of the members of the board shall constitute a
12 quorum. Subject to the provisions of subsection (d) of this section but
13 notwithstanding any other provision of law, the concurrence of a majority of
14 members present at a unified union school district board meeting shall be
15 necessary and sufficient for board action; provided, however, the concurrence
16 of more than a majority shall be necessary if required for a particular action by
17 the voter-approved articles of agreement.

18 (d) Weighted voting. If weighted voting is used to achieve constitutionally
19 required proportionality for members elected under the "proportional to town
20 population" model described in subdivisions 711(d)(1) (proposed unified
21 union school district, proportional to town population) and 736(a)(1) (unified

1 ~~union school district; Australian ballot; proportional to town population) of~~
2 this chapter, then a number of members of the board holding a majority of the
3 total number of weighted votes shall constitute a quorum, and a majority of the
4 weighted votes cast shall be necessary and sufficient for board action.

5 (e) Board chair and board clerk. At the board meeting next following each
6 annual district meeting, the unified union school district board shall elect one
7 of its number to serve as the chair of the board and one other of its number to
8 serve as the clerk of the board.

9 (f) Powers, duties, and liabilities. The powers, duties, and liabilities of a
10 unified union school district board, board chair, and board clerk shall be the
11 same as those of a board, board chair, and board clerk of a town school
12 district.

13 (g) Minutes. The board clerk shall prepare minutes of the proceedings of
14 the unified union school district board, unless the board votes to delegate those
15 duties to another individual. The board clerk shall transmit the minutes and all
16 other documents constituting the record of board proceedings to the clerk of
17 the unified union school district, who shall be responsible for maintaining a
18 permanent record of board proceedings. In the board clerk's absence, another
19 member of the school board shall assume the duties of the clerk.

20 ~~(h) Stipend. The board clerk may be paid upon order of the board.~~

§ 720. UNIFIED UNION SCHOOL DISTRICT BOARD MEMBERS:

NOMINATION AND ELECTION; BOND

(a) If by Australian ballot. The provisions of this subsection (a) shall apply to a unified union school district that conducts elections for board membership by Australian ballot.

(1) Proportional to town population.

(A) When membership on the board of a unified union school district is apportioned to each town within the district in a number that is closely proportional to the town's relative population, the voters residing in the town may file a petition nominating a candidate for board membership. A petition is valid only if:

(i) the candidate is a current voter of the town;

(ii) the petition identifies the term of office for which the candidate is nominated;

(iii) the petition is signed by at least 30 voters residing in the town or one percent of the legal voters in the town, whichever is less;

(iv) the voters file the petition with the town clerk not later than 5:00 p.m. on the sixth Monday preceding the day of the election; and

(v) the candidate files with the town clerk a written consent to the printing of the candidate's name on the ballot.

1 ~~(B) After confirming that the names on the petition correspond to~~
2 ~~registered voters of the town, the town clerk shall transmit the name of each~~
3 ~~duly nominated candidate to the clerk of the unified union school district.~~

4 ~~(C) The district clerk shall prepare a unified union school district~~
5 ~~ballot for each town and shall transmit the ballot to the town clerk to make~~
6 ~~available to the voters residing in the town.~~

7 ~~(D) The voters of a town within the unified union school district~~
8 ~~shall elect as many board members as are apportioned for that term of office~~
9 ~~based on the population of the town.~~

10 (2) Modified at-large model: allocation to town; at-large representation.

11 (A) When membership on the board of a unified union school district
12 is allocated to each town within the district, but the allocation is not closely
13 proportional to the town's relative population and the board member is elected
14 at-large, the voters residing in any one or more of the towns within the district
15 may file a petition nominating a candidate for board membership under the
16 "modified at-large" model. A petition is valid only if:

17 (i) the candidate is a current voter of the town to which the seat is
18 allocated;

19 (ii) the petition identifies the term of office for which the
20 candidate is nominated,

1 ~~(iii) the petition is signed by at least 60 voters residing in the~~
2 unified union school district;

3 (iv) the voters file the petition with the clerk of the unified union
4 school district not later than 5:00 p.m. on the sixth Monday preceding the day
5 of the election; and

6 (v) the candidate files with the district clerk a written consent to
7 the printing of the candidate's name on the ballot.

8 (B) Not later than 5:00 p.m. on the sixth Monday preceding the day
9 of the election, the town clerk of each town within the unified union school
10 district shall furnish to the district clerk, at the expense of the district,
11 authenticated copies of the checklist of legal voters within the town as the
12 checklist appears after revisions are made pursuant to 17 V.S.A. §§ 2141–
13 2150.

14 (C) The district clerk shall prepare the unified union school district
15 ballot to include the name of each duly nominated candidate and shall transmit
16 the ballot to the town clerk of each town within the district to make available
17 to the voters residing in the town.

18 (D) The voters of the unified union school district shall elect as many
19 board members as are to be elected at-large for that term of office under the
20 “modified at-large” model.

21 ~~(S) At-large representation.~~

1 ~~(A) When membership on a unified union school district board is not~~
2 apportioned or allocated pursuant to subdivision (1) (proportional to town
3 population) or (2) (modified at-large) of this subsection (a) and the board
4 member is elected at large, the voters residing in any one or more of the towns
5 within the district may file a petition nominating a candidate for at-large board
6 membership. A petition is valid only if:

7 (i) the candidate is a current voter of a town within the unified
8 union school district;

9 (ii) the petition identifies the term of office for which the
10 candidate is nominated;

11 (iii) the petition is signed by at least 60 voters residing in the
12 unified union school district;

13 (iv) the voters file the petition with the clerk of the unified union
14 school district not later than 5:00 p.m. on the sixth Monday preceding the day
15 of the election; and

16 (v) the candidate files with the district clerk a written consent to
17 the printing of the candidate's name on the ballot.

18 (B) Not later than 5:00 p.m. on the sixth Monday preceding the day
19 of the election, the town clerk of each town within the unified union school
20 district shall furnish to the district clerk, at the expense of the district,
21 authenticated copies of the checklist of legal voters within the town as the

1 ~~checklist appears after revisions are made pursuant to 17 V.S.A. §§ 2141~~

2 ~~2150.~~

3 (C) The district clerk shall prepare the unified union school district
4 ballot to include the name of each duly nominated candidate and shall transmit
5 the ballot to the town clerk of each town within the district to make available
6 to the voters residing in the town.

7 (D) The voters of the unified union district shall elect as many board
8 members as are to be elected at-large for that term of office.

9 (b) If not by Australian ballot. The provisions of this subsection shall
10 apply to a unified union school district that has not voted to conduct elections
11 for board membership by Australian ballot.

12 (1) The nomination and election of candidates for the office of unified
13 union school district board member shall occur at a warned meeting of the
14 unified union school district; provided, however, if the district elects board
15 members under the “proportional to town population” model, then the
16 nomination and election of candidates shall occur at an annual or special
17 meeting of the town in which the candidate resides, warned for the purpose
18 pursuant to subsection 737(f) of this chapter.

19 (2) Voters shall only nominate a person who is present at the meeting
20 and the person shall accept or reject the nomination.

1 ~~(2) The clerk shall ensure that the candidate is a voter of a specific town~~
2 if the district elects board members under either the “proportional to town
3 population” model or the “modified at-large” model.

4 (c) Bond. Before a newly elected board member enters upon the duties of
5 office, the district shall ensure that the district’s blanket bond covers the new
6 member.

7 (d) Notification. Within 10 days after the election of a board member
8 pursuant to this section, the district clerk shall transmit the name of newly
9 elected board members to the Secretary of State.

10 § 731. VACANCY ON UNIFIED UNION SCHOOL DISTRICT BOARD

11 (a) Filling a vacancy. Notwithstanding any other provision of law to the
12 contrary, this section shall apply to a vacancy on a unified union school district
13 board, unless otherwise provided in the articles of agreement of the district as
14 initially approved by the voters on or before July 1, 2019.

15 (1) Proportional to town population. If the vacancy is for a seat where
16 membership is apportioned to a town within the unified union school district in
17 a number that is closely proportional to the town’s relative population and only
18 voters residing in the town elect the board member, then the clerk of the
19 unified union school district shall notify the selectboard of the town no later
20 than five days after learning of the vacancy. Within 30 days after providing
21 notice and after consultation with the selectboard, the unified union school

1 ~~district board shall appoint an eligible person to fill the vacancy until the~~
2 ~~voters elect a successor at an annual or special meeting.~~

3 (2) Modified at-large model: allocation to town; at-large representation.

4 If the vacancy is for a seat where membership is allocated to a town within the
5 unified union school district in a number that is not closely proportional to
6 each town's relative population and the board member is elected at large, then
7 the district clerk shall notify the selectboard of the town not later than five
8 days after learning of the vacancy. Within 30 days after providing notice and
9 after consultation with the selectboard, the unified union school district board
10 shall appoint an eligible person to fill the vacancy until the voters elect a
11 successor at an annual or special meeting.

12 (3) At-large representation. If the vacancy is for a seat that is neither
13 apportioned nor allocated to a town within the unified union school district as
14 provided in subdivision (1) or (2) of this subsection and the board member is
15 elected at-large, then within 30 days after creation of the vacancy the unified
16 union school district board shall appoint an eligible person to fill the vacancy
17 until the voters elect a successor at an annual or special meeting.

18 (4) Vacancy in all seats. If all seats on a school board are vacant, then
19 the Secretary of State shall call a special election to fill the vacancies.

20 (b) Notification. Within 10 days after the appointment of a board member
21 pursuant to this section, the district clerk of the unified union school district

1 ~~shall transmit the name of the appointed board member to the Secretary of~~
2 ~~State.~~

3 (c) Obligations and expenses.

4 (1) Vacancy in majority. If there are vacancies in a majority of the
5 members of a unified union school district board at the same time, then the
6 remaining member or members are authorized to draw orders for payment of
7 continuing obligations and necessary expenses until a majority of the vacancies
8 are filled pursuant to the provisions of this section.

9 (2) Vacancy in all seats. If there are no members of the unified union
10 school district board in office, then the Secretary of State shall authorize the
11 district clerk or other qualified person to draw orders for payment of
12 continuing obligations and necessary expenses until a majority of the vacancies
13 are filled.

14 § 732. UNIFIED UNION SCHOOL DISTRICT BUDGET; PREPARATION

15 AND AUTHORIZATION

16 (a) The board of a unified union school district shall prepare and distribute
17 a proposed budget annually for the next school year pursuant to the provisions
18 of subdivision 563(11) (powers of school boards; budget) of this title.

19 (b) If the voters do not approve the board's proposed budget, then the
20 board shall prepare and present a revised proposed budget pursuant to 17

1 ~~V.S.A. § 2680(c)(2) (local elections; Australian ballot system; rejected~~
2 ~~budget).~~

3 ~~(c) If the voters do not approve a budget on or before June 30 of any year,~~
4 ~~then the board of the unified union school district may borrow funds pursuant~~
5 ~~to the authority granted under section 566 (school district; authority to borrow)~~
6 ~~of this title. As used in section 566, the “most recently approved school~~
7 ~~budget” of a union school district in its first fiscal year of full operations~~
8 ~~means the cumulative budget amount of the most recently approved school~~
9 ~~budgets of all districts that merged to form the union district plus one percent.~~

10 § 733. ANNUAL REPORT; DATA

11 (a) The board of a unified union school district shall prepare an annual
12 report concerning the affairs of the district and have it printed and distributed
13 to the voters of the district pursuant to the provisions of subdivision 563(10)
14 (school districts; powers of school boards; report) of this title. The board shall
15 file the report with the unified union school district clerk and with the town
16 clerk of each town within the district.

17 (b) Annually, on or before August 15, the unified union school district
18 board shall provide to the Secretary answers to statistical inquiries that may be
19 addressed to the district by the Secretary.

20 ~~[Sec. 734 reserved]~~

1 ~~Article 2. Unified Union School Districts. Officers, Annual Meetings,~~

2 ~~and Special Meetings~~

3 ~~§ 735. OFFICERS; ELECTION; TERM; VACANCY; BOND~~

4 ~~(a) Officers. At an annual meeting of the unified union school district, the~~
5 ~~voters shall elect a moderator from among the registered voters of the district.~~

6 ~~The voters shall also vote to elect a clerk and a treasurer of the district;~~

7 ~~provided, however, at any annual or special meeting, the voters may vote to~~

8 ~~authorize the school board to appoint the clerk or the treasurer, or both. The~~

9 ~~clerk of the district shall be elected or appointed from among the voters. The~~

10 ~~treasurer may also be the supervisory union treasurer and need not be a~~

11 ~~resident of the union school district.~~

12 ~~(b) Election.~~

13 ~~(1) If an officer is elected by Australian ballot in a unified union school~~

14 ~~district, then the provisions of subdivision 730(a)(3) for election by Australian~~

15 ~~ballot of at-large candidates for the unified union school district board shall~~

16 ~~apply.~~

17 ~~(2) Votes cast to elect an officer shall be commingled and reported to~~

18 ~~the voters pursuant to section 742 (commingling of votes cast by Australian~~

19 ~~ballot and from the floor) of this chapter.~~

20 ~~(c) Terms.~~

1 ~~(1) Moderator. A moderator elected at an annual meeting pursuant to~~
2 ~~this section shall assume office on July 1 following the election, unless the~~
3 ~~voters vote at an annual meeting for the moderator to assume office upon~~
4 ~~election. A moderator shall serve a term of one year or until a successor is~~
5 ~~elected and has taken the oath of office unless the voters extend the term~~
6 ~~length up to three years.~~

7 (2) Clerk. A clerk elected at an annual meeting pursuant to this section
8 shall assume office on July 1 following the election. A clerk shall serve a term
9 of one year or until a successor is elected and has taken the oath of office
10 unless the voters extend the term length up to three years.

11 (3) Treasurer. A treasurer elected at an annual meeting pursuant to this
12 section shall assume office on July 1 following the election. A treasurer shall
13 serve a term of one year or until a successor is elected and has taken the oath
14 of office unless the voters extend the term length up to three years.

15 (d) Vacancy. The board of the unified union school district shall fill a
16 vacancy in any office elected pursuant to this section as soon as practicable
17 after the vacancy occurs. The appointee shall serve upon appointment for the
18 remainder of the unexpired term of office or until the voters elect a successor.

19 (e) Oath of office. An officer elected or appointed pursuant to this section
20 shall be sworn in before entering upon the duties of the office.

1 ~~(f) Bond. The district shall ensure that its blanket bond covers a newly~~
2 electd or appointed treasurer before the treasurer enters upon the duties of the
3 office.

4 (g) Notification. Within 10 days after the election or appointment of any
5 officer pursuant to this section, the clerk of the unified union school district
6 shall transmit the name of the officer to the Secretary of State.

7 § 736. OFFICERS; POWERS, DUTIES, AND LIABILITIES

8 (a) Moderator. The powers, duties, and liabilities of the moderator of a
9 unified union school district shall be the same as those of a moderator of a
10 town school district. The moderator shall preside at each annual and special
11 meeting of the unified union school district. In the moderator's absence, the
12 voters shall elect a moderator pro tempore to preside.

13 (b) Clerk. The powers, duties, and liabilities of the clerk of a unified union
14 school district shall be the same as those of a clerk of a town school district.
15 The district clerk shall keep a record of the votes and the proceedings of the
16 union school district meetings and shall provide certified copies of them when
17 requested.

18 (c) Treasurer. The powers, duties, and liabilities of the treasurer of a
19 unified union school district shall be the same as those of a treasurer of a town
20 school district.

1 ~~(d) Documents. The person having custody shall provide to each newly~~
2 electd or appointed officer of a unified union district all books, papers, and
3 electronic documents of the office.

4 § 737. WARNINGS OF UNIFIED UNION SCHOOL DISTRICT

5 MEETINGS

6 (a) The board of a unified union school district shall have the same
7 authority and obligation to warn or call meetings of the district as a town
8 school board has to warn or call town school district meetings.

9 (b) Except as provided in subsection (f) of this section, the district clerk
10 shall warn a unified union school district meeting pursuant to the provisions of
11 17 V.S.A. § 2641 (town meetings and local elections; warning and notice
12 publication) by posting a warning and notice to voters, signed by the chair of
13 the board or the chair's designee, specifying the date, time, location, and
14 business of the meeting, in at least one public place in each town within the
15 unified union school district, and causing the same to be published once in a
16 newspaper circulating in the unified union school district. In the district
17 clerk's absence, the chair of the board or the chair's designee shall warn the
18 meeting pursuant to the provisions of this section.

19 (c) The warning shall, by separate articles, specifically indicate the
20 business to be transacted, to include the offices and the questions upon which
21 the electorate shall vote. The warning shall also contain any article or articles

1 ~~requested by a petition signed by at least five percent of the voters of the~~
2 district and filed with the district clerk pursuant to 17 V.S.A. § 2642 (town
3 meetings and local elections; warning and notice contents).

4 (d) The posted notice that accompanies the warning shall include
5 information on voter registration, early and absentee voting, the time and
6 location at which the ballots will be counted, and any other applicable
7 information.

8 (e) The warning shall be recorded in the office of the district clerk before
9 posting.

10 (f) This subsection applies if a unified union school district elects school
11 board members under the “proportional to town population” model and if it
12 elects those members by a floor vote rather than by Australian ballot.

13 (1) The election shall be warned as follows:

14 (A) The district clerk shall transmit the signed warning to each town
15 clerk.

16 (B) The district clerk shall assist each town clerk to incorporate the
17 warning into the warning for the annual or special meeting of each town.

18 (C) Each town clerk, rather than the district clerk, shall post and
19 publish the warning pursuant to the provisions of subsection (b) of this section.

20 (2) Notwithstanding any provision of law to the contrary, if any town
21 within the unified union school district elects its selectboard members by

1 ~~Australian ballot, then the warning, nomination, ballot preparation, and~~
2 election of unified union school district board members shall proceed pursuant
3 to the same laws that govern the town.

4 (3) If an annual town meeting at which the board members are elected
5 under this subsection is more than 30 days prior to the annual meeting of the
6 unified union school district, then notwithstanding subsection 729(a)
7 (members of unified union school district boards) of this section, the newly
8 elected board members shall assume office at the conclusion of the district's
9 annual meeting.

10 (g) Notwithstanding any provisions of this section to the contrary, a unified
11 union school district:

12 (1) shall warn a meeting called for the purpose of considering a bond
13 issue pursuant to the provisions of 24 V.S.A. § 1755; and

14 (2) shall warn a meeting to consider a revised proposed budget pursuant
15 to the provisions of subsection 732(b) of this chapter.

16 § 738. CHECKLIST FOR UNION DISTRICT MEETINGS WHERE

17 VOTING IS CONDUCTED FROM THE FLOOR

18 (a) Not later than the close of business on the day before an annual or
19 special meeting of a unified union school district, the town clerk of each town
20 within the district shall furnish to the district clerk, at the expense of the
21 district, authenticated copies of the checklist of legal voters within the town as

1 ~~the checklist appears after revisions are made pursuant to 17 V.S.A. §§ 2141~~

2 2150 (elections; registration of voters). The checklist shall control for
3 purposes of determining voter eligibility in the unified union school district.

4 (b) During the annual or special meeting, one or more members of each
5 town's board of civil authority shall assist the district clerk to determine voter
6 eligibility and to supervise voting during the meeting.

7 (c) This section shall not apply to a meeting warned pursuant to subsection
8 737(f) (unified union school district meetings; proportional to town
9 population; floor vote) of this chapter.

10 § 739. CONDUCT OF VOTE IF BY AUSTRALIAN BALLOT

11 For any vote that proceeds by Australian ballot in a unified union school
12 district:

13 (1) A district voter shall vote by Australian ballot in the town in which
14 the voter currently resides at the polling location identified in the warning.

15 (2) Voting shall occur in each town on the same day.

16 (3) The board of civil authority of each town shall be responsible for
17 determining the eligibility of persons to vote and for supervising voting at that
18 polling location.

19 (4) The opportunity for early and absentee voting pursuant to 17 V.S.A.
20 §§ 2531–2550 (conduct of elections; early and absentee voters) shall be
21 provided.

1 § 740. PREPARATION AND FORM OF AUSTRALIAN BALLOT

2 (a) The clerk of a unified union school district shall prepare the ballot for
3 any vote that proceeds by Australian ballot in the district.

4 (b) Only questions warned by the unified union school district and
5 presented to the voters of that district shall appear on a ballot prepared
6 pursuant to subsection (a) of this section.

7 (c) Warned questions of the unified union school district shall not appear
8 on the same ballot as questions warned by the legislative body of a town
9 within the unified union school district.

10 § 741. COUNTING OF AUSTRALIAN BALLOTS

11 (a) Process.

12 (1) At least two members of the board of civil authority of each town
13 within a unified union school district, or two election officials appointed by the
14 board of civil authority of that town, shall transport ballots cast in the town in
15 a sealed container to a central location designated by the district clerk. The
16 district clerk shall place the ballots from all locations into a single container.

17 (2) The boards of civil authority shall not count the ballots for purposes
18 of determining the outcome of the votes cast in that town prior to transporting
19 them but may open the containers and count the total number of ballots cast at
20 that polling location.

1 ~~(3) The district clerk or designee shall supervise representatives of the~~
2 ~~boards of civil authority, identified in subdivision (1) of this subsection, to~~
3 ~~count ballots at the central location pursuant to section 742 (commingling and~~
4 ~~reporting of votes cast by Australian ballot and from the floor) of this title.~~
5 ~~The district clerk shall also have the authority to appoint current unified union~~
6 ~~school district board members who are not on the ballot to aid in the counting~~
7 ~~of ballots.~~

8 ~~(4) The ballots shall be counted as soon as possible, but not later than~~
9 ~~24 hours after the time at which the polls closed.~~

10 ~~(5) If ballots are to be counted on the day following the election, then~~
11 ~~the clerk of each town within the unified union school district shall store the~~
12 ~~ballots in a secure location in the town until they are transported on the~~
13 ~~following day to the central location designated by the district clerk for~~
14 ~~counting.~~

15 ~~(6) After the ballots have been counted, the district clerk shall seal them~~
16 ~~in a secure container and store them for at least 90 days in a secure location.~~

17 ~~(b) Applicability. The counting of Australian ballots cast by voters in a~~
18 ~~unified union school district for the election of members of the district board,~~
19 ~~for the election of district officers, for proposed budgets, and for any other~~
20 ~~public questions shall proceed pursuant to the provisions of this section, except~~
21 ~~when.~~

1 ~~(1) Vermont statute explicitly permits or requires a different method for~~
2 ~~a specific type of question presented to the voters;~~

3 ~~(2) the ballots have been cast to elect a unified union school district~~
4 ~~board member where membership on the board is apportioned based on town~~
5 ~~population pursuant to subdivision 730(a)(1) (unified union school district;~~
6 ~~Australian ballot; proportional to town population) of this title; or~~

7 ~~(3) the articles of agreement as initially approved by the voters on or~~
8 ~~before July 1, 2019 explicitly provide that the board of civil authority of each~~
9 ~~town within the unified union school district shall count Australian ballots cast~~
10 ~~in that town and report that town's results to the district clerk, who shall~~
11 ~~calculate total votes cast within the unified union school district and report the~~
12 ~~result of the vote to the public.~~

13 § 742. COMMINGLING AND REPORTING OF ALL VOTES CAST BY
14 AUSTRALIAN BALLOT AND FROM THE FLOOR

15 (a) Commingling. Votes cast by the voters of a unified union school
16 district shall be commingled, whether cast by Australian ballot or from the
17 floor, and shall not be counted according to the town in which a voter resides.

18 (b) Report to public. The district clerk shall report the commingled results
19 of votes cast by voters of a unified union school district.

20 (c) Applicability. The commingling and reporting of votes cast by voters
21 in a unified union school district for the election of members of the district

1 ~~board, for the election of district officers, for proposed budgets, and for any~~
2 other public question shall proceed pursuant to the provisions of this section
3 regardless of whether the votes proceeds by Australian ballot or by a floor
4 vote, except when:

5 (1) Vermont statute explicitly permits or requires a different method for
6 a specific type of question presented to the voters;

7 (2) the ballots have been cast to elect a unified union school district
8 board member where membership on the board is apportioned based on town
9 population pursuant to subdivision 730(a)(1) (unified union school district;
10 Australian ballot; proportional to town population) of this chapter; or

11 (3) the articles of agreement as initially approved by the voters on or
12 before July 1, 2019 explicitly provide that the board of civil authority of each
13 town within the unified union school district shall count Australian ballots cast
14 in that town and report that town's results to the district clerk, who shall
15 calculate total votes cast within the unified union school district and report the
16 result of the vote to the public.

17 § 743. BOND ISSUES; DEBT LIMIT

18 (a) A unified union school district may make improvements, as defined by
19 24 V.S.A. § 1751 (municipal and county government; indebtedness
20 definitions), and may incur indebtedness for improvements as provided in

1 ~~24 V.S.A., chapter 53, subchapter 1 (municipal and county government;~~
2 ~~indebtedness generally).~~

3 ~~(b) The debt limit of the unified union school district shall be 10 times the~~
4 ~~total of the education grand lists of the towns within the unified union school~~
5 ~~district. The existing indebtedness of a unified union school district incurred~~
6 ~~to finance any project approved under sections 3447 to 3456 (State aid for~~
7 ~~capital construction costs) of this title shall not be considered a part of the~~
8 ~~indebtedness of the unified union school district for purposes of determining~~
9 ~~its debt limit for a new proposed bond issue.~~

10 ~~(c) Bond issues under this section shall be determined by Australian ballot~~
11 ~~and shall proceed pursuant to sections 737 (warnings of unified union school~~
12 ~~district meetings) and 739–742 (vote by Australian ballot) of this subchapter.~~
13 ~~The ballots shall be commingled before counting.~~

14 ~~[Sec. 744 reserved]~~

15 ~~Subchapter 4. Union Elementary School Districts and~~

16 ~~Union High School Districts~~

17 ~~§ 745. DEFINITIONS~~

18 ~~As used in this subchapter, words have the meaning as defined in section~~
19 ~~702 (definitions) of this title and any words not defined in that section have~~
20 ~~their plain meaning, except.~~

1 ~~(1) Member district. “Member district” means either a town school~~
2 ~~district that is a member district as defined in section 702 (definitions) of this~~
3 ~~title or a town in a member district if the member district is itself a union~~
4 ~~elementary or union high school district, as applicable.~~

5 (2) Town clerk.

6 (A) If, pursuant to section 425 (other town school district officers) of
7 this title, the voters of a member district have elected a district clerk who is not
8 also the clerk of the town, then “town clerk” means the elected clerk of that
9 member district.

10 (B) Notwithstanding subdivision (A) of this subdivision (2), if a
11 union elementary or union high school district is a member district of the
12 union school district, then “town clerk” has its plain meaning and means the
13 clerk of each town in the member district.

14 [Sec. 746 reserved]

15 Article 1. Union Elementary and Union High School Districts – Boards and

16 Board Members

17 § 747. BOARD MEMBERS; TERM; CONDUCT OF MEETINGS;

18 QUORUM AND VOTING; POWERS AND DUTIES

19 (a) Members. Except as set forth in subchapter 2 (exploration, formation,
20 and organization) of this chapter for initial members, each member of the
21 board of a union elementary school or union high school district shall.

1 ~~(1) be elected by the voters at a warned meeting pursuant to section 718~~
2 (union elementary and union high school district board members) of this
3 chapter;

4 (2) assume office upon election, except as provided in subdivision
5 755(f)(3) (warnings of union elementary and union high school district
6 meetings) of this chapter; and

7 (3) be sworn in before entering upon the duties of the office.

8 (b) Term. A member elected at an annual meeting shall serve for a term of
9 three years or until the member's successor is elected and has taken the oath of
10 office. A member elected at a special meeting shall serve for the balance of
11 the term remaining.

12 (c) Quorum. A majority of the members of the board shall constitute a
13 quorum. Subject to the provisions of subsection (d) of this section but
14 notwithstanding any other provision of law, the concurrence of a majority of
15 members present at a union elementary or union high school district board
16 meeting shall be necessary and sufficient for board action; provided, however,
17 the concurrence of more than a majority shall be necessary if required for a
18 particular action by the voter-approved articles of agreement.

19 (d) Weighted voting. If weighted voting is used to achieve constitutionally
20 required proportionality for members elected under the "proportional to town
21 population" model set out in subdivisions 711(c)(1) (proposed union

1 ~~elementary or union high school district; proportional to town population) and~~
2 748(a)(1) (union elementary and union high school district board members;
3 Australian ballot; proportional to town population) of this chapter, then a
4 number of members of the board holding a majority of the total number of
5 weighted votes shall constitute a quorum, and a majority of the weighted votes
6 cast shall be necessary and sufficient for board action.

7 (e) Board chair and board clerk. At the meeting next following each
8 annual meeting, the union elementary or union high school district board shall
9 elect one of its number to serve as the chair of the board and one other of its
10 number to serve as the clerk of the board.

11 (f) Powers, duties, and liabilities. The powers, duties, and liabilities of a
12 union elementary or union high school district board, board chair, and board
13 clerk shall be the same as those of a board, board chair, and board clerk of a
14 town school district.

15 (g) Minutes. The board clerk shall prepare minutes of the proceedings of
16 the union elementary or union high school district board, unless the board
17 votes to delegate those duties to another individual. The board clerk shall
18 transmit the minutes and all other documents constituting the record of board
19 proceedings to the clerk of the union elementary or union high school district,
20 who shall be responsible for maintaining a permanent record of board

1 ~~proceedings. In the board clerk's absence, another member of the school~~
2 ~~board shall assume the duties of the clerk.~~

3 ~~(h) Stipend. The board clerk may be paid upon order of the board.~~

4 ~~§ 748. UNION ELEMENTARY AND UNION HIGH SCHOOL DISTRICT~~
5 ~~BOARD MEMBERS; NOMINATION AND ELECTION; BOND~~

6 ~~(a) If by Australian ballot. The provisions of this subsection (a) shall apply~~
7 ~~to a union elementary or union high school district that conducts elections for~~
8 ~~board membership by Australian ballot.~~

9 ~~(1) Proportional to town population.~~

10 ~~(A) When membership on the board of a union elementary or union~~
11 ~~high school district is apportioned to each member district in a number that is~~
12 ~~closely proportional to the member district's relative population, the voters of~~
13 ~~the member district may file a petition nominating a candidate for board~~
14 ~~membership. A petition is valid only if:~~

15 ~~(i) the candidate is a current voter of the member district;~~

16 ~~(ii) the petition identifies the term of office for which the~~
17 ~~candidate is nominated;~~

18 ~~(iii) the petition is signed by at least 30 voters residing in the~~
19 ~~member district or one percent of the legal voters in that district, whichever is~~
20 ~~less,~~

1 ~~(iv) the voters file the petition with the town clerk not later than~~
2 5:00 p.m. on the sixth Monday preceding the day of the election; and

3 (v) the candidate files with the town clerk a written consent to the
4 printing of the candidate's name on the ballot.

5 (B) After confirming that the names on the petition correspond to
6 registered voters of the member district, the town clerk shall transmit the name
7 of each duly nominated candidate to the clerk of the union elementary or union
8 high school district.

9 (C) The union district clerk shall prepare a union elementary or
10 union high school district ballot for each member district and shall transmit the
11 ballot to the town clerk to make available to the voters residing in the member
12 district.

13 (D) The voters of the member district shall elect as many board
14 members as are apportioned for that term of office on the union elementary or
15 union high school district board based on the population of the member
16 district.

17 (2) Modified at-large model: allocation to town; at-large representation.

18 (A) When membership on the board of a union elementary or union
19 high school district is allocated to each member district, but the allocation is
20 not closely proportional to the member district's population and the board
21 member is elected at-large, the voters residing in any one or more of the

1 ~~member districts may file a petition nominating a candidate for board~~
2 membership under the “modified at-large” model. A petition is valid only if:
3 (i) the candidate is a current voter of the member district to which
4 the seat is allocated;
5 (ii) the petition identifies the term of office for which the
6 candidate is nominated;
7 (iii) the petition is signed by at least 60 voters residing in the
8 union elementary or union high school district;
9 (iv) the voters file the petition with the clerk of the union
10 elementary or union high school district not later than 5:00 p.m. on the sixth
11 Monday preceding the day of the election, and
12 (v) the candidate files with the union district clerk a written
13 consent to the printing of the candidate’s name on the ballot.
14 (B) Not later than 5:00 p.m. on the sixth Monday preceding the day
15 of the election, the town clerk of each member district shall furnish to the
16 union district clerk, at the expense of the union district, authenticated copies of
17 the checklist of legal voters within the member district as the checklist appears
18 after revisions are made pursuant to 17 V.S.A. §§ 2141–2150.
19 (C) The union district clerk shall prepare the union elementary or
20 union high school district ballot to include the name of each duly nominated

1 ~~candidate and shall transmit the ballot to the town clerk of each member~~
2 ~~district to make available to the voters residing in the member district.~~

3 (D) The voters of the union elementary or union high school district
4 shall elect as many board members as are to be elected at-large for that term of
5 office under the “modified at-large” model.

6 (3) At-large representation.

7 (A) When membership on the board of a union elementary or union
8 high school district is not apportioned or allocated pursuant to subdivision (1)
9 (proportional to town population) or (2) (modified at-large) of this subsection
10 (a) (Australian ballot) and the board member is elected at large, the voters
11 residing in any one or more of the member districts may file a petition
12 nominating a candidate for at-large board membership. A petition is valid
13 only if:

14 (i) the candidate is a current voter of the union elementary or
15 union high school district;

16 (ii) the petition identifies the term of office for which the
17 candidate is nominated;

18 (iii) the petition is signed by at least 60 voters residing in the
19 union elementary or union high school district,

1 ~~(iv) the voters file the petition with the clerk of the union~~
2 elementary or union high school district not later than 5:00 p.m. on the sixth
3 Monday preceding the day of the election; and

4 ~~(v) the candidate files with the union district clerk a written~~
5 consent to the printing of the candidate's name on the ballot.

6 (B) Not later than 5:00 p.m. on the sixth Monday preceding the day
7 of the election, the town clerk of each member district shall furnish to the
8 union district clerk, at the expense of the union district, authenticated copies of
9 the checklist of legal voters within the member district as the checklist appears
10 after revisions are made pursuant to 17 V.S.A. §§ 2141–2150.

11 (C) The union district clerk shall prepare the union elementary or
12 union high school district ballot to include the name of each duly nominated
13 candidate and shall transmit the ballot to the town clerk of each member
14 district to make available to the voters residing in the member district.

15 (D) The voters of the union elementary or union high school district
16 shall elect as many board members as are to be elected at-large for that term of
17 office.

18 (b) If not by Australian ballot. The provisions of this subsection (b) shall
19 apply to a union elementary or union high school district that does not conduct
20 elections for board membership by Australian ballot.

1 ~~(1) The nomination and election of candidates for the office of union~~
2 ~~elementary or union high school district board member shall occur at a warned~~
3 ~~meeting of the union school district; provided, however, if the union district~~
4 ~~elects board members under the “proportional to town population” model, then~~
5 ~~the nomination and election of candidates shall occur at an annual or special~~
6 ~~meeting of the member district for the town in which the candidate resides,~~
7 ~~warned for the purpose pursuant to subsection 755(f) (warnings of union~~
8 ~~elementary and union high school district meetings; members elected under~~
9 ~~proportional to town population model and by floor vote) of this chapter.~~

10 ~~(2) Voters shall only nominate a person who is present at the meeting,~~
11 ~~and the person shall accept or reject the nomination.~~

12 ~~(3) The meeting shall proceed in a manner to ensure that the candidate~~
13 ~~is a voter of a specific member district if the union district elects board~~
14 ~~members under either the “proportional to town population” model or the~~
15 ~~“modified at-large” model.~~

16 ~~(c) Bond. Before a newly elected board member enters upon the duties of~~
17 ~~office, the union district shall ensure that the district’s blanket bond covers the~~
18 ~~new member.~~

19 ~~(d) Notification. Within 10 days after the election of a board member~~
20 ~~pursuant to this section, the union elementary or union high school district~~

1 ~~clerk shall transmit the name of the newly elected board member to the~~
2 Secretary of State.

3 § 749. VACANCY ON UNION ELEMENTARY OR UNION HIGH
4 SCHOOL DISTRICT BOARD

5 (a) Filling a vacancy. Notwithstanding any other provisions of law to the
6 contrary, this section shall apply to a vacancy on a union elementary or union
7 high school district board unless otherwise provided in the articles of
8 agreement of the union elementary or union high school district as initially
9 approved by the voters on or before July 1, 2019.

10 (1) Proportional to town population. If the vacancy is for a seat where
11 membership is apportioned to a member district in a number that is closely
12 proportional to its relative population and only voters residing in the member
13 district elect the board member, then the union elementary or union high
14 school district clerk shall notify the board of the member district not later than
15 five days after learning of the vacancy. Within 30 days after receiving notice,
16 the board of the member district shall appoint a person who is otherwise
17 eligible to serve as a member of the union elementary or union high school
18 district board to fill the vacancy until the voters elect a successor at an annual
19 or special meeting pursuant to the provisions of section 748 (union elementary
20 and union high school district board members) of this chapter.

1 ~~(2) Modified at large model: allocation to town; at large representation~~
2 If the vacancy is for a seat where membership is allocated to a member district
3 in a number that is not closely proportional to each district's relative
4 population and the board member is elected at-large, then the union elementary
5 or union high school district clerk shall notify the board of the member district
6 not later than five days after learning of the vacancy. Within 30 days after
7 providing notice and after consultation with the member district's board, the
8 union elementary or union high school district board shall appoint a person
9 who is otherwise eligible to serve as a member of the union elementary or
10 union high school district board to fill the vacancy until the voters elect a
11 successor at an annual or special meeting pursuant to the provisions of section
12 748 (union elementary and union high school district board members) of this
13 chapter.

14 (3) At-large representation. If the vacancy is for a seat that is neither
15 apportioned nor allocated to a member district pursuant to subdivision (1)
16 (proportional to town population) or (2) (modified at-large) of this subsection
17 and the board member is elected at-large, then within 30 days after creation of
18 the vacancy the union elementary or union high school district board shall
19 appoint a person who is otherwise eligible to serve as a member of the board to
20 fill the vacancy until the voters elect a successor at an annual or special

1 ~~meeting pursuant to the provisions of section 748 (union elementary and union~~
2 ~~high school district board members) of this chapter.~~

3 ~~(4) No board of member district. For purposes of subdivisions (1)~~
4 ~~(proportional to town population) and (2) (modified at-large) of this subsection~~
5 ~~(a), if the member district is also a union school district and any related town~~
6 ~~school district has discontinued operations pursuant to subdivision 717(b)(2)~~
7 ~~(discontinuation of forming districts in union elementary and union high~~
8 ~~school districts) of this chapter and has no board, then the clerk of the union~~
9 ~~elementary or union high school district shall notify the selectboard of the~~
10 ~~pertinent town not later than five days after learning of the vacancy. Within~~
11 ~~30 days after providing notice and after consultation with the selectboard, the~~
12 ~~union elementary or union high school district board shall appoint a person~~
13 ~~who is otherwise eligible to serve as a member of the union elementary or~~
14 ~~union high school district board to fill the vacancy until the voters elect a~~
15 ~~successor at an annual or special meeting pursuant to the provisions of section~~
16 ~~748 (union elementary and union high school district board members) of this~~
17 ~~chapter.~~

18 ~~(5) Vacancy in all seats. If all seats on a school board are vacant, then~~
19 ~~the Secretary of State shall call a special election to fill the vacancies.~~

20 ~~(b) Notification. Within 10 days after the appointment of a board member~~
21 ~~pursuant to this section, the clerk of the union elementary or union high school~~

1 ~~district shall transmit the name of the appointed board member to the Secretary~~
2 ~~of State.~~

3 (c) Obligations and expenses.

4 (1) Vacancy in majority. If there are vacancies in a majority of the
5 members of a union elementary or union high school district board at the same
6 time, then the remaining member or members are authorized to draw orders
7 for payment of continuing obligations and necessary expenses until a majority
8 of the vacancies are filled pursuant to the provisions of this section.

9 (2) Vacancy in all seats. If there are no members of the union
10 elementary or union high school district board in office, then the Secretary of
11 State shall appoint and authorize the district clerk or other qualified person to
12 draw orders for payment of continuing obligations and necessary expenses
13 until a majority of the vacancies are filled.

14 § 750. UNION ELEMENTARY OR UNION HIGH SCHOOL DISTRICT

15 BUDGET; PREPARATION AND AUTHORIZATION

16 (a) The board of a union elementary or union high school district shall
17 prepare and distribute a proposed budget annually for the next school year
18 pursuant to the provisions of subdivision 563(11) (powers of school boards,
19 budget) of this title.

1 ~~(b) If the voters do not approve the board's proposed budget, then the~~
2 board shall prepare a revised proposed budget pursuant to 17 V.S.A. §
3 2680(c)(2) (local elections using the Australian ballot system; rejected budget).

4 (c) If the voters do not approve a budget on or before June 30 of any year,
5 the board of the unified union school district may borrow funds pursuant to the
6 authority granted under section 566 (school districts; authority to borrow) of
7 this title. As used in section 566, the "most recently approved school budget"
8 of a union school district in its first fiscal year of full operations means the
9 cumulative budget amount of the most recently approved school budgets of all
10 districts that merged to form the union district plus 1 percent.

11 § 751. ANNUAL REPORT; DATA

12 (a) The board of a union elementary or union high school district shall
13 prepare an annual report concerning the affairs of the district and have it
14 printed and distributed to the voters of the district pursuant to the provisions of
15 subdivision 563(10) (powers of school boards; report) of this title. The board
16 shall file the report with the union district clerk and the clerk of each member
17 district.

18 (b) Annually, on or before August 15, the union elementary or union high
19 school district board shall provide to the Secretary answers to statistical
20 inquiries that may be addressed to the district by the Secretary.

21 [Sec. 752 reserved]

1 ~~Article 2. Union Elementary and Union High School Districts. Officers.~~

2 Annual Meetings, and Special Meetings

3 § 753. OFFICERS; ELECTION; TERM; VACANCY; BOND

4 (a) Officers. At an annual meeting of the union elementary or union high
5 school district, the voters shall elect a moderator from among the registered
6 voters. The voters shall also vote to elect a clerk and a treasurer of the district;
7 provided, however, at any annual or special meeting, the voters may vote to
8 authorize the school board to appoint the clerk or the treasurer, or both. The
9 clerk of the district shall be elected or appointed from among the voters. The
10 treasurer may also be the supervisory union treasurer and need not be a
11 resident of the union elementary or union high school district.

12 (b) Election if by Australian ballot. If a union elementary or union high
13 school district elects its officers by Australian ballot, then the provisions of
14 subdivision 748(a)(3) of this chapter for election by Australian ballot of at-
15 large candidates for the union elementary or union high school district board
16 shall apply.

17 (c) Terms.

18 (1) Moderator. A moderator elected at an annual meeting pursuant to
19 this section shall assume office on July 1 following the election, unless the
20 voters vote at an annual meeting for the moderator to assume office upon
21 election. A moderator shall serve a term of one year or until a successor is

1 elects and has taken the oath of office unless the voters extend the term
2 length up to three years.

3 (2) Clerk. A clerk elected at an annual meeting pursuant to this section
4 shall assume office on July 1 following the election. A clerk shall serve a term
5 of one year or until a successor is elected and has taken the oath of office
6 unless the voters extend the term length up to three years.

7 (3) Treasurer. A treasurer elected at an annual meeting pursuant to this
8 section shall assume office on July 1 following the election. A clerk shall
9 serve a term of one year or until a successor is elected and has taken the oath
10 of office unless the voters extend the term length up to three years.

11 (d) Vacancy. The board of the union elementary or union high school
12 district shall fill a vacancy in any office elected or appointed pursuant to this
13 section as soon as practicable after the vacancy occurs. The appointee shall
14 serve upon appointment for the remainder of the unexpired term of office or
15 until the voters elect a successor.

16 (e) Oath of office. An officer elected or appointed pursuant to this section
17 shall be sworn in before entering upon the duties of the office.

18 (f) Bond. The district shall ensure that its blanket bond covers a newly
19 elects or appointed treasurer before the treasurer enters upon the duties of the
20 office.

1 ~~(c) Notification. Within 10 days after the election or appointment of any~~
2 officer pursuant to this section, the clerk of the union elementary or union high
3 school district shall transmit the name of the officer to the Secretary of State.

4 § 754. OFFICERS; POWERS, DUTIES, AND LIABILITIES

5 (a) Moderator. The powers, duties, and liabilities of the moderator of a
6 union elementary or union high school district shall be the same as those of a
7 moderator of a town school district. The moderator shall preside at each
8 annual and special meeting of the union elementary or union high school
9 district. In the moderator's absence, the voters shall elect a moderator pro
10 tempore to preside.

11 (b) Clerk. The powers, duties, and liabilities of the clerk of a union
12 elementary or union high school district shall be the same as those of a clerk of
13 a town school district. The district clerk shall keep a record of the votes and
14 the proceedings of the union school district meetings and shall provide
15 certified copies of them when requested.

16 (c) Treasurer. The powers, duties, and liabilities of the treasurer of a union
17 elementary or union high school district shall be the same as those of a
18 treasurer of a town school district.

19 (d) Documents. The person having custody shall provide to each elected or
20 appointed officer of a union district all books, papers, and electronic
21 documents of the office.

1 ~~§ 755. WARNINGS OF UNION ELEMENTARY AND UNION HIGH~~

2 SCHOOL DISTRICT MEETINGS

3 (a) The board of a union elementary or union high school district shall
4 have the same authority and obligation to warn or call meetings of the district
5 as a town school board has to warn or call town school district meetings.

6 (b) Except as provided in subsection (f) of this section, not less than 30 nor
7 more than 40 days before the meeting, the union district clerk shall warn a
8 union elementary or union high school district meeting by posting a warning
9 and notice to voters, signed by the chair of the union district board or the
10 chair's designee, specifying the date, time, location, and business of the
11 meeting, in the district clerk's office and at least one public place in each town
12 within the union elementary or union high school district, and causing the
13 same to be published once in a newspaper circulating in the union district at
14 least five days before the meeting. In the district clerk's absence, the chair of
15 the board or the chair's designee shall warn the meeting pursuant to the
16 provisions of this section.

17 (c) The warning shall, by separate articles, specifically indicate the
18 business to be transacted, including the offices and the questions upon which
19 the electorate shall vote. The warning shall also contain any article or articles
20 requested by a petition signed by at least five percent of the voters of the

1 ~~district and filed with the district clerk pursuant to 17 V.S.A. § 2612 (town~~
2 ~~meetings and local elections; warning and notice contents).~~

3 (d) The posted notice that accompanies the warning shall include
4 information on voter registration, early and absentee voting, the time and
5 location at which the ballots will be counted, and other applicable information.

6 (e) The warning shall be recorded in the office of the district clerk and
7 shall be provided to the town clerk of each town in the unified elementary or
8 union high school district before being posted.

9 (f) This subsection shall apply if a union elementary or union high school
10 district elects school board members under the “proportional to town
11 population” model and if it elects those members by a floor vote rather than by
12 Australian ballot.

13 (1) The election shall be warned as follows:

14 (A) The district clerk shall transmit the signed warning to each town
15 clerk.

16 (B) The district clerk shall assist each town clerk to incorporate the
17 warning into the warning for the annual or special meeting of each member
18 district.

19 (C) Each town clerk, rather than the union district clerk, shall post
20 and publish the warning pursuant to the provisions of subsection (b) of this
21 section.

1 ~~(2) Notwithstanding any provision of law to the contrary, if any member~~
2 district elects its own board members by Australian ballot, then the warning,
3 nomination, ballot preparation, and election of union school district board
4 members shall proceed pursuant to the same laws that govern the member
5 district.

6 (3) If an annual meeting of a member district at which the union district
7 board members are elected under this subsection is more than 30 days prior to
8 the annual meeting of the union school district, then notwithstanding
9 subsection 747(a) (board members of union elementary and union high school
10 districts) of this chapter, the newly elected board members shall assume office
11 at the conclusion of the union school district's annual meeting.

12 (g) Notwithstanding any provision of this section to the contrary, a union
13 elementary or union high school district:

14 (1) shall warn a meeting called for the purpose of considering a bond
15 issue in accordance with the provisions of 24 V.S.A. § 1755; and

16 (2) shall warn a meeting to consider a revised proposed budget pursuant
17 to the provisions of subsection 750(b) (union elementary or union high school
18 district revised proposed budget) of this chapter.

19 § 756. UNION DISTRICT MEETINGS CONDUCTED FROM THE FLOOR

20 (a) Not later than the close of business on the day before the meeting, the
21 town clerk of each member district of a union elementary or union high school

1 ~~district shall furnish to the union district clerk, at the expense of the union~~
2 ~~district, authenticated copies of the checklist of legal voters within the member~~
3 ~~district as the checklist appears after revisions are made pursuant to 17 V.S.A.~~
4 ~~§§ 2141–2150 (registration of voters). The checklist shall control for purposes~~
5 ~~of determining voter eligibility in the union elementary or union high school~~
6 ~~district.~~

7 ~~(b) During the annual or special meeting, one or more members of each~~
8 ~~town's board of civil authority shall assist the union district clerk to determine~~
9 ~~voter eligibility and to supervise voting during the meeting.~~

10 ~~(c) Votes cast at an annual or special meeting shall be commingled and~~
11 ~~shall not be counted according to the town in which a voter resides.~~

12 ~~(d) The provisions of this section shall apply to all votes of the electorate in~~
13 ~~a union elementary or union high school district that do not proceed by~~
14 ~~Australian ballot; provided, however:~~

15 ~~(1) They shall not apply if Vermont statute explicitly permits or requires~~
16 ~~a different method for a specific type of question presented to the voters.~~

17 ~~(2) They shall not apply to a vote warned pursuant to subsection 755(f)~~
18 ~~(warnings of union elementary and union high school district meetings,~~
19 ~~members elected under proportional to town population model and by floor~~
20 ~~vote) of this Chapter.~~

1 ~~(e) If a person who resides in a member district and is otherwise eligible to~~
2 ~~vote at a union elementary or union high school district meeting has not~~
3 ~~maintained residence in the member district for the requisite number of days~~
4 ~~but resided in another member district of the union elementary or union high~~
5 ~~school district for the requisite number of days, then the town clerk of the~~
6 ~~member district in which the person currently resides shall enter such person's~~
7 ~~name on the checklist of legal voters if the person presents to that town clerk a~~
8 ~~certificate signed by the town clerk of the member district in which the person~~
9 ~~formally resided confirming that the person lived within the union elementary~~
10 ~~or union high school district for the requisite number of days.~~

11 § 757. CONDUCT OF VOTE IF BY AUSTRALIAN BALLOT

12 In any vote that proceeds by Australian ballot in a union elementary or
13 union high school district:

14 (1) A district voter shall vote by Australian ballot in the town in which
15 the voter currently resides at the polling location identified in the warning.

16 (2) Voting shall occur in each town on the same day.

17 (3) The board of civil authority of each town shall be responsible for
18 determining the eligibility of persons to vote and for supervising voting at that
19 polling location.

1 ~~(4) The opportunity for early and absentee voting pursuant to 17 V.S.A.~~
2 ~~§§ 2531–2550 (conduct of elections; early or absentee voters) shall be~~
3 ~~provided.~~

4 § 758. PREPARATION AND FORM OF AUSTRALIAN BALLOT

5 (a) The clerk of a union elementary or union high school district shall
6 prepare the ballot for any vote that proceeds by Australian ballot in the union
7 school district.

8 (b) Only questions warned by the union elementary or union high school
9 district and presented to the voters of that district shall appear on a ballot
10 prepared pursuant to subsection (a) of this section.

11 (c) Warned questions of the union elementary or union high school district
12 shall not appear on the same ballot as questions warned by a member district
13 of the union elementary or union high school district or by the legislative body
14 of a town within the union elementary or union high school district.

15 § 759. COUNTING AND REPORTING RESULTS OF VOTE BY

16 AUSTRALIAN BALLOT

17 (a) Process if commingled. If the voters have approved the commingling
18 of votes cast by Australian ballot for any or all categories of public questions,
19 including elections and budget votes, or if Vermont law requires commingling,
20 then the following process applies to those votes except to the extent that

1 ~~Vermont law explicitly requires a different process for a specific type of public~~
2 ~~question.~~

3 ~~(1) At least two members of the board of civil authority of each town~~
4 ~~within a union elementary or union high school district, or two election~~
5 ~~officials appointed by the board of civil authority of that town, shall transport~~
6 ~~ballots cast in the member district in a sealed container to a central location~~
7 ~~designated by the clerk of the union elementary or union high school district.~~

8 ~~(2) The boards of civil authority shall not count the ballots for purposes~~
9 ~~of determining the outcome of the votes cast in the member district prior to~~
10 ~~transporting them but may open the containers and count the total number of~~
11 ~~ballots cast at that polling location.~~

12 ~~(3) The union elementary or union high school district clerk or designee~~
13 ~~shall supervise representatives of the boards of civil authority to count ballots~~
14 ~~at the central location. The union elementary or union high school district~~
15 ~~clerk shall also have the authority to appoint current union elementary or union~~
16 ~~high school district board members who are not on the ballot to aid in the~~
17 ~~counting of ballots~~

18 ~~(4) The ballots shall be counted as soon as possible, but not later than~~
19 ~~24 hours after the time at which the polls closed.~~

20 ~~(5) If ballots are to be counted on the day following the election, then~~
21 ~~the clerk of each member district shall store the ballots in a secure location~~

1 until they are transported on the following day to the central location

2 designated by the union district clerk for counting.

3 (6) Ballots from all member districts shall be combined into a single
4 group before counting and shall not be counted according to the member
5 district or town in which a voter resides.

6 (7) After the ballots have been counted, the union district clerk shall
7 seal them in a secure container and store them for at least 90 days at a secure
8 location.

9 (8) The union district clerk shall report the commingled results of votes
10 cast within the union elementary or union high school district to the public.

11 (b) Process if not commingled. If the voters have not approved the
12 commingling of votes cast by Australian ballot for budgets, elections, or any
13 other category of public question, and if Vermont law does not require
14 commingling, then the following process applies to those votes except to the
15 extent that Vermont law explicitly requires a different process for a specific
16 type of public question.

17 (1) The board of civil authority of each town within the union
18 elementary or union high school district shall count Australian ballots cast in
19 the member district and report the results to the clerk of the union district.

20 (2) The clerk of the union district shall calculate total votes cast within
21 the union district for any vote that requires approval by the electorate of the

1 ~~entire union elementary or union high school district, rather than approval by~~
2 the voters in one member district or by the voters in each member district
3 separately.

4 (3) The union district shall report to the public the results of total votes
5 cast; provided, however, that both the union district clerk and the clerk of each
6 member school district shall report the results of ballots cast to elect a union
7 school district board member where membership on the board is apportioned
8 based on town population pursuant to subdivision 748(a)(1) of this chapter.

9 § 760. BOND ISSUES; DEBT LIMIT

10 (a) A union elementary or union high school district may make
11 improvements, as defined by 24 V.S.A. § 1751, and may incur indebtedness
12 for the improvements as provided in 24 V.S.A. chapter 53, subchapter 1.

13 (b) The debt limit of the union elementary or union high school district
14 shall be 10 times the total of the education grand lists of the member districts
15 of the union school district. The existing indebtedness of a union elementary
16 or union high school district incurred to finance any project approved under
17 sections 3447 to 3456 of this title shall not be considered a part of the
18 indebtedness of the union elementary or union high school district for purposes
19 of determining its debt limit for a new proposed bond issue. An obligation
20 incurred by a union elementary or union high school district pursuant to this
21 chapter shall be the joint and several obligation of the union school district and

1 ~~each of its member districts. Any joint or several obligation incurred by a~~
2 member district pursuant to this subsection shall not be considered in
3 determining the debt limit for the separate purposes of the member district.

4 (c) Bond issues under this section shall be determined by Australian ballot
5 and shall proceed pursuant to sections 755 (warnings of union elementary
6 school district and union high school district meetings) and 757–759 (vote by
7 Australian ballot) of this subchapter. Ballots shall be commingled before
8 counting.

9 [Secs. 761–762 reserved]

10 Subchapter 5. Districts Formed Pursuant to Prior Laws

11 § 763. RATIFICATION; ARTICLES OF AGREEMENT; APPLICATION
12 OF CHAPTER

13 (a) Each union school district in existence on July 1, 2022, is ratified and
14 subject to the provisions of this chapter 11, regardless of whether the district
15 was formed by an affirmative vote of the electorate or by the State Board as
16 part of its “Final Report of Decisions and Order on Statewide School District
17 Merger Decisions Pursuant to [2015 Acts and Resolves No.] 46, Sections 8(b)
18 and 10” dated November 28, 2018 (the Order).

19 (b) References in this chapter 11 to articles of agreement initially adopted
20 by the voters shall also mean articles of agreement as issued by the State Board
21 as part of the Order.

1 ~~(c) Articles of agreement in effect on June 30, 2022, as initially adopted by~~
2 the voters or subsequently amended, shall govern the district unless and until
3 amended; provided, however, and notwithstanding the provisions of 1 V.S.A.
4 § 214 or other laws to the contrary, the provisions of this chapter 11 shall
5 govern in all matters not addressed in the articles of agreement and shall take
6 precedence in the event of conflict with any article.

7 § 764. SECRETARY OF STATE; RECORDING CERTIFICATES

8 (a) To ensure that documentary evidence relating to the creation of union
9 school districts can be found in one location, the Secretary of Education shall
10 forward to the Secretary of State copies of the certifications designating the
11 existence of each new union school district created pursuant to the State
12 Board's "Final Report of Decisions and Order on Statewide School District
13 Merger Decisions Pursuant to 2015 Acts and Resolves No. 46, Sections 8(b)
14 and 10" dated November 28, 2018 (the Order).

15 (b) The Secretary of State shall record the certifications and all subsequent
16 amendments and addenda to the certifications.

17 (c) The Secretary of State shall file a certified copy of the recorded
18 certification and any amendments or addenda with the elected clerk of each
19 union school district created by the Order.

1 ~~Sec. 4. WITHDRAWAL ACTIONS APPROVED BY STATE BOARD;~~

2 NEW DISTRICTS WITH AN OPERATIONAL DATE ON OR

3 AFTER JULY 1, 2023

4 (a) Application of this section. This section shall apply solely to a
5 withdrawal action initiated pursuant to the provisions of 16 V.S.A. § 724 that
6 were in effect prior to the effective date of Sec. 3 of this act (former 16 V.S.A.
7 § 724), if each of the following actions occurred prior to that effective date:

8 (1) the State Board of Education gave final approval to the voter-
9 approved and voter-ratified proposal to withdraw from the union school
10 district;

11 (2) the State Board declared a new school district to be reconstituted;

12 (3) the State Board established the new school district's operational date
13 as July 1, 2023 or after;

14 (4) the voters of the new school district elected school board members;

15 (5) the voters of the towns within the union district voted to approve the
16 financial terms of withdrawal negotiated by the boards of the new school
17 district and the union district; and

18 (6) the State Board charged the new school district and its board with
19 performing the transitional activities necessary to assume sole responsibility
20 for the education of resident students on the identified operational date.

1 ~~(b) Status report. On or before the regular July 2022 State Board meeting,~~
2 ~~the new school district shall submit a written status report to the Board~~
3 ~~detailing the actions the district has taken and will take to ensure that, as of its~~
4 ~~operational date, the district will be prepared to assume sole responsibility for~~
5 ~~the education of its students in prekindergarten through grade 12 in a manner~~
6 ~~that will meet educational quality standards as required by 16 V.S.A. § 165 and~~
7 ~~to ensure the provision of supervisory union services. The status report shall~~
8 ~~include a timeline indicating the date by which each action shall be complete.~~

9 (c) State Board review and findings.

10 (1) Review. The State Board shall consider the status report and
11 provide the board of the new school district an opportunity to be heard. The
12 Board may, in its discretion, take testimony from other individuals and entities,
13 including the union school district and the Agency of Education.

14 (2) Preparedness deemed likely. If the State Board determines that it is
15 likely the new school district will be prepared, on the identified operational
16 date, to assume full responsibility for the education of its resident students in a
17 manner that substantially complies with educational quality standards as
18 required by 16 V.S.A. § 165, and to ensure the provision of supervisory union
19 services, then the new school district, the union district, and, if applicable, the
20 supervisory union or unions shall continue to take all actions necessary to
21 prepare for the realignment of duties on the operational date.

1 ~~(3) Preparedness deemed unlikely.~~

2 ~~(A) If the State Board determines there is a reasonable risk that the~~
3 ~~new district will not be able to be prepared, on the operational date, to assume~~
4 ~~full responsibility for the education of its resident students in a manner that~~
5 ~~substantially complies with educational quality standards as required by~~
6 ~~16 V.S.A. § 165, and to ensure the provision of supervisory union services,~~
7 ~~then the Board shall issue a written advisory statement detailing the factors~~
8 ~~underlying its conclusion, which it shall post on its website and transmit~~
9 ~~electronically to the board of the new school district.~~

10 ~~(B) Upon receipt of an advisory opinion pursuant to subdivision~~
11 ~~(c)(3)(A) of this section, the board of the new school district shall post the~~
12 ~~document on its website and schedule the contents as a topic for public~~
13 ~~discussion at a special or regular board meeting.~~

14 ~~(C) Prior to the operational date and after public discussion and any~~
15 ~~board deliberations:~~

16 ~~(i) The board of the new school district may continue to take all~~
17 ~~actions necessary to prepare for the realignment of duties on the operational~~
18 ~~date.~~

19 ~~(ii) On its own motion, or if petitioned to do so by at least five~~
20 ~~percent of the voters in the new school district, the board of the new school~~
21 ~~district shall want a vote to request the State Board to reverse its declaration~~

1 ~~approving withdrawal and reconstituting the new school district. The vote~~

2 shall be held before the October 1 prior to the operational date.

3 (I) The question shall be decided by Australian ballot.

4 (II) Within 45 days after the vote or 15 days after a vote to
5 reconsider under 17 V.S.A. § 2661, whichever is later, the clerk of the new
6 school district shall certify the results of the vote to the Secretary of State who
7 shall record the certificate and give notice of the vote to the clerk of the union
8 district, the clerks of each of the other towns within the union district, and the
9 Secretary of Education. The clerk of the new school district shall submit the
10 certification regardless of whether the voters in the district voted to petition the
11 State Board to reverse its declarations.

12 (D) If the new school district requests the State Board to take action
13 under subdivision (C) of this subsection (c), then:

14 (i) the State Board shall reverse and void earlier declarations
15 approving withdrawal and reconstituting the new school district and the
16 withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is
17 concluded; and

18 (ii) the union school district shall continue to be solely responsible
19 for the education of the students residing in the town that petitioned for
20 withdrawal, provided, however,

1 ~~(D) the new school district and its board shall continue to exist~~
2 for up to six months after the day on which the State Board reverses and voids
3 its earlier declarations for the sole purpose of completing any outstanding
4 business that cannot legally be performed by another entity; and

5 (II) the State Board may make any declarations and take any
6 actions, including recording certifications with the Secretary of State, that are
7 necessary to support the consequences outlined in this subdivision (c)(3)(D).

8 (d) Repeal. This section is repealed on July 1, 2023.

9 Sec. 5. WITHDRAWAL PROPOSALS ON WHICH THE STATE BOARD
10 HAS NOT TAKEN ACTION; ALTERNATIVE GOVERNANCE
11 PROPOSAL PREVIOUSLY PRESENTED

12 (a) Application of this section.

13 (1) For purposes of this section and notwithstanding any provision of
14 law to the contrary, the provisions of 16 V.S.A. § 724 that were in effect prior
15 to the effective date of Sec. 3 of this act (former 16 V.S.A. § 724) are deemed
16 to authorize withdrawal from a unified union school district created by the
17 State Board of Education in its “Final Report of Decisions and Order on
18 Statewide School District Merger Decisions Pursuant to Act 46, Secs. 8(b) and
19 10” dated November 28, 2018 (Order).

20 (2) This section shall apply solely to a withdrawal action initiated by a
21 town within a union district (petitioning town) pursuant to the former

1 ~~16 V.S.A. § 724 if each of the following actions occurred prior to the effective~~

2 date of Sec. 3 of this act:

3 (A) the State Board created the union district in its Order;

4 (B) prior to issuance of the Order, the districts that merged to form
5 the union district submitted a proposal to the Secretary of Education and the
6 State Board setting forth the details of their self-evaluation and a proposal for
7 an alternative governance structure pursuant to 2015 Acts and Resolves
8 No. 46, Sec. 9 (Section 9 proposal);

9 (C) the voters of the petitioning town approved a proposal to
10 withdraw from the union district;

11 (D) the voters of each of the other towns within the union district
12 ratified the petitioning town's proposal to withdraw; and

13 (E) the State Board of Education has not approved or taken action to
14 approve the withdrawal proposal or to declare that a new school district is
15 reconstituted.

16 (b) Report and plan. At any time after the effective date of this section, but
17 on or before the regular September 2022 State Board meeting, the self-selected
18 representatives of the petitioning town and the board of the union district shall
19 submit to the State Board in writing.

1 (1) A report explaining the ways in which the current plan of the
2 petitioning town and the union district for operation after withdrawal conforms
3 to or differs from the Section 9 proposal.

4 (2) A plan, including a timeline, identifying the actions the petitioning
5 town and the union district have taken and will take to transition to the
6 proposed structure and to ensure that, as of an identified operational date, the
7 proposed new school district will be prepared to assume sole responsibility for
8 the education of its students in prekindergarten through grade 12 in a manner
9 that will meet educational quality standards as required by 16 V.S.A. § 165,
10 including the actions necessary to transition to the proposed method by which
11 supervisory union services would be provided. At a minimum, the plan and
12 timeline should include the actions identified in subsection (d) of this section.

13 (c) State Board review and action.

14 (1) Review. The State Board shall consider the report and plan and
15 shall provide the self-selected representatives of the petitioning town and the
16 board of the union district an opportunity to be heard. The Board may, in its
17 discretion, take testimony from other individuals and entities.

18 (2) Preparedness determination and vote to approve withdrawal. The
19 State Board shall determine if it is likely or unlikely the proposed new school
20 district, on the proposed operational date, will be prepared to assume full
21 responsibility for the education of its resident students in a manner that

1 ~~substantially complies with educational quality standards as required by~~
2 16 V.S.A. § 165 and also whether it is likely or unlikely that supervisory union
3 services will be available to both the proposed new school district and the
4 union district on the operational date. If the State Board determines
5 preparedness is unlikely, it shall issue a written advisory statement detailing
6 the factors underlying its conclusion, which shall be posted on its website.
7 Upon making its preparedness determination, the State Board shall vote to:
8 (A) approve the withdrawal proposal;
9 (B) approve any motion necessary for the withdrawal process to
10 proceed pursuant to subsection (d) of this section, including a motion to create
11 a new school district as of the date of the motion in order to enable the election
12 of members to the board of the proposed new school district, negotiation and
13 voter approval of a withdrawal agreement pursuant to the former 16 V.S.A.
14 § 724(c), and preparation to assume full responsibility for the education of
15 resident students on the operational date;
16 (C) determine or set a schedule for determining the manner in which
17 supervisory union services will be provided to the proposed new school district
18 and, if appropriate, the union district to be effective on the proposed new
19 school district's operational date; and
20 (D) make any other findings or declarations and approve any other
21 motions that are related and necessary to the withdrawal proposal.

1 ~~(d) Actions necessary to be fully operational. After the State Board makes~~
2 ~~its determination of preparedness and approves the withdrawal process~~
3 ~~pursuant to subdivision (c)(2) of this section, then the new school district, the~~
4 ~~union district, and, if applicable, the supervisory union or unions shall take all~~
5 ~~actions necessary to be fully operational on the operational date. At a~~
6 ~~minimum, the required necessary actions shall include:~~

7 ~~(1) election of initial school board members by the voters of the new~~
8 ~~school district, whose terms of office shall be arranged so that one each expires~~
9 ~~on the day of the second, third, and fourth annual meeting of the new school~~
10 ~~district, and whose sole responsibility until the new school district's~~
11 ~~operational date shall be to prepare for the district to assume sole responsibility~~
12 ~~for the education of resident students on that date;~~

13 ~~(2) negotiation of the proposed financial terms of withdrawal by the~~
14 ~~board of the new school district and the board of the union district in order to~~
15 ~~comply with the requirements of the former 16 V.S.A. § 724(c);~~

16 ~~(3) approval by the voters of each town within the union district of the~~
17 ~~negotiated proposed financial terms of withdrawal in order to comply with the~~
18 ~~requirements of the former 16 V.S.A. § 724(c);~~

19 ~~(4) preparation of a proposed budget by the board of the new school~~
20 ~~district for the fiscal year beginning on the district's operational date, together~~
21 ~~with presentation to and approval by the district's voters prior to that date,~~

1 ~~(5) preparation for the provision of supervisory union services to the~~
2 new school district and, if applicable, for the transition of the union school
3 district from a supervisory district structure to a supervisory union structure;
4 and

5 (6) all other actions necessary to transition from one school district to
6 two districts and, if applicable, to transition from a supervisory district
7 structure to a supervisory union structure, including all actions necessary to
8 address the collectively bargained rights of employees of the current
9 employing entity.

10 (e) Preparedness deemed unlikely.

11 (1) If the State Board determines preparedness is unlikely and issues a
12 written advisory statement detailing the factors underlying its conclusion
13 pursuant to subdivision (c)(2) of this section, it shall electronically transmit the
14 advisory statement to the board of the new school district upon its election.

15 (2) Upon receipt of the advisory statement, the board of the new school
16 district shall post the document on its website and schedule the contents as a
17 topic for public discussion at a special or regular board meeting.

18 (3) Prior to the operational date and after public discussion and any
19 board deliberations.

1 (A) The board of the new school district may continue to take all
2 actions necessary to prepare for the realignment of duties on the operational
3 date.

4 (B) On its own motion, or if petitioned to do so by at least five
5 percent of the voters in the new school district, the board of the new school
6 district shall warn a vote to request the State Board to reverse its declaration
7 approving withdrawal and reconstituting the new school district. The vote
8 shall be held before the October 1 prior to the operational date.

9 (i) The question shall be decided by Australian ballot.

10 (ii) Within 45 days after the vote or 15 days after a vote to
11 reconsider under 17 V.S.A. § 2661, whichever is later, the clerk of the new
12 school district shall certify the results of the vote to the Secretary of State who
13 shall record the certificate and give notice of the vote to the clerk of the union
14 district, the clerks of each of the other towns within the union district, and the
15 Secretary of Education. The clerk of the new school district shall submit the
16 certification regardless of whether the voters in the district voted to petition the
17 State Board to reverse its declarations.

18 (4) If the new school district requests the State Board to take action
19 under subdivision (3) of this subsection, then:

20 (A) the State Board shall reverse and void earlier declarations
21 approving withdrawal and reconstituting the new school district and the

1 ~~withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is~~

2 ~~concluded; and~~

3 ~~(B) the union school district shall continue to be solely responsible~~
4 ~~for the education of the students residing in the town that petitioned for~~
5 ~~withdrawal; provided, however:~~

6 ~~(i) the new school district and its board shall continue to exist for~~
7 ~~up to six months after the day on which the State Board reverses and voids its~~
8 ~~earlier declarations for the sole purpose of completing any outstanding~~
9 ~~business that cannot legally be performed by another entity; and~~

10 ~~(ii) the State Board may make any declarations and take any~~
11 ~~actions, including recording certifications with the Secretary of State, that are~~
12 ~~necessary to support the consequences outlined in this subdivision (e)(4).~~

13 ~~(f) Application of this section to withdrawal from a union elementary or~~
14 ~~union high school district.~~

15 ~~(1) The processes outlined in this section shall apply to an action of a~~
16 ~~member school district to withdraw from a union elementary or union high~~
17 ~~school district if the five elements set forth in subdivisions (A)-(E) of~~
18 ~~subdivision (a)(2) are met.~~

19 ~~(2) For purposes of applying the process in this section to withdrawal~~
20 ~~from a union elementary or union high school district under this subsection,~~

21 ~~the terms used in subsections (a) through (e) have the following meanings.~~

1 ~~(A) “Petitioning town” means the member district of the union~~
2 ~~elementary or union high school district that initiated the withdrawal process~~
3 ~~pursuant to the provisions of 16 V.S.A. § 721a that were in effect prior to the~~
4 ~~effective date of Sec. 3 of this act.~~

5 ~~(B) “Selectboard” means the board of the member district that~~
6 ~~initiated the withdrawal process pursuant to the provisions of 16 V.S.A. § 721a~~
7 ~~that were in effect prior to the effective date of Sec. 3 of this act.~~

8 ~~(C) “Town within the union school district” means a member district~~
9 ~~of the union elementary or union high school district.~~

10 ~~(g) Repeal. This section is repealed on July 1, 2024.~~

11 Sec. 6. WITHDRAWAL PROPOSALS ON WHICH THE STATE BOARD
12 HAS NOT TAKEN ACTION; UNION DISTRICT CREATED BY
13 THE ELECTORATE

14 ~~(a) Application of this section. This section shall apply solely to a~~
15 ~~withdrawal action initiated by a town within a union district (petitioning town)~~
16 ~~pursuant to the provisions of 16 V.S.A. § 724 that were in effect prior to the~~
17 ~~effective date of Sec. 3 of this act (former 16 V.S.A. § 724) if each of the~~
18 ~~following actions occurred prior to that date:~~

19 ~~(1) the union district formed pursuant to the provisions of 16 V.S.A.~~
20 ~~§§ 706–706j that were in effect prior to the effective date of Sec. 3 of this act,~~

1 ~~(2) the voters of the petitioning town approved a proposal to withdraw~~
2 ~~from the union district;~~

3 ~~(3) the voters of each of the other towns within the union district ratified~~
4 ~~the petitioning town's proposal to withdraw; and~~

5 ~~(4) the State Board of Education has not approved or taken action to~~
6 ~~approve the withdrawal proposal or to declare that a new school district is~~
7 ~~reconstituted.~~

8 ~~(b) Report and plan. At any time after the effective date of this section, but~~
9 ~~on or before the regular September 2022 State Board meeting, the self-selected~~
10 ~~representatives of the petitioning town shall submit a written report and plan to~~
11 ~~the State Board.~~

12 ~~(1) Report. The report shall describe the analysis that has been~~
13 ~~performed by the petitioning town to evaluate the likely strengths and~~
14 ~~challenges for the proposed new school district and for the reconfigured union~~
15 ~~district if withdrawal is approved and the ways in which withdrawal would~~
16 ~~enable both districts to provide for the education of their respective resident~~
17 ~~students in a manner that will meet educational quality standards as required~~
18 ~~by 16 V.S.A. § 165. The report shall address:~~

19 ~~(A) the educational advantages and disadvantages likely to result~~
20 ~~from withdrawal for the students in the proposed new school district and the~~
21 ~~students in the remaining towns within the union district and the ways in~~

1 which they are preferable to those of continuing in the current governance

2 structure;

3 (B) the financial advantages and disadvantages likely to result from

4 withdrawal for the taxpayers in the proposed new school district and the

5 taxpayers in the remaining towns within the union district and the ways in

6 which they are preferable to those of continuing in the current governance

7 structure;

8 (C) the likely operational and financial viability and sustainability of

9 the proposed new school district and the union district after withdrawal of the

10 petitioning town;

11 (D) any other advantages and disadvantages of withdrawal, including

12 any advantages and disadvantages to the students and taxpayers of the region

13 and the State; and

14 (E) the potential source of supervisory union services for the new

15 school district and, if appropriate, for the union district, including discussions

16 with the board of any supervisory union to which the petitioning town

17 proposes assignment.

18 (2) Plan. The plan shall describe the actions that the petitioning town

19 has taken and will take to ensure that, as of its proposed operational date, the

20 proposed new district will be prepared to assume sole responsibility for the

21 education of its students in prekindergarten through grade 12 in a manner that

1 ~~will meet educational quality standards as required by 16 V.S.A. § 165,~~
2 ~~including the actions necessary to transition to the proposed method by which~~
3 ~~supervisory union services would be provided. The plan shall include a~~
4 ~~timeline indicating the date by which each action will be complete. At a~~
5 ~~minimum, the plan and timeline should include the actions identified in~~
6 ~~subsection (d) of this section.~~

7 ~~(c) State Board review and action.~~

8 ~~(1) Review. The State Board shall consider the report and plan and~~
9 ~~shall provide the self-selected representatives of the petitioning town and the~~
10 ~~board of the union district an opportunity to be heard. The Board may, in its~~
11 ~~discretion, take testimony from other individuals and entities.~~

12 ~~(2) Preparedness determination and vote to approve withdrawal. The~~
13 ~~State Board shall determine if it is likely or unlikely the proposed new school~~
14 ~~district will be prepared to assume full responsibility for the education of its~~
15 ~~resident students in a manner that substantially complies with educational~~
16 ~~quality standards as required by 16 V.S.A. § 165 and whether it is likely or~~
17 ~~unlikely that supervisory union services will be available to the proposed new~~
18 ~~school district on the operational date. If the State Board determines~~
19 ~~preparedness is unlikely, it shall issue a written advisory statement detailing~~
20 ~~the factors underlying its conclusion, which shall be posted on its website.~~

21 ~~Upon making its preparedness determination, the State Board shall vote to.~~

1 (A) approve the withdrawal proposal;

2 (B) approve any motion necessary for the withdrawal process to
3 proceed pursuant to subsection (d) of this section, including a motion to create
4 a new school district as of the date of the motion in order to enable the election
5 of members to the board of the proposed new school district, negotiation and
6 voter approval of a withdrawal agreement pursuant to the former 16 V.S.A.
7 § 724(c), and preparation to assume full responsibility for the education of
8 resident students on the operational date;

9 (C) determine or set a schedule for determining the manner in which
10 supervisory union services will be provided to the proposed new school district
11 and, if appropriate, the union district, to be effective on the proposed new
12 school district's operational date; and

13 (D) make any other findings or declarations and approve any other
14 motions that are related and necessary to the withdrawal proposal.

15 (d) Actions necessary to be fully operational. After the State Board makes
16 its determination of preparedness and approves the withdrawal process
17 pursuant to subdivision (c)(2) of this section, then the new school district, the
18 union district, and, if applicable, the supervisory union or unions shall take all
19 actions necessary to be fully operational on the identified operational date. At
20 a minimum, the required necessary actions shall include.

1 (1) election of initial school board members by the voters of the new
2 school district, whose terms of office shall be arranged so that one each expires
3 on the day of the second, third, and fourth annual meeting of the new school
4 district and whose sole responsibility until the new school district's operational
5 date shall be to prepare for the district to assume sole responsibility for the
6 education of resident students on that date;

7 (2) negotiation by the board of the new school district and the board of
8 the union district of the proposed financial terms of withdrawal in order to
9 comply with the requirements of the former 16 V.S.A. § 724(c);

10 (3) approval by the voters of each town within the union district of the
11 negotiated proposed financial terms of withdrawal in order to comply with the
12 requirements of the former 16 V.S.A. § 724(c);

13 (4) preparation of a proposed budget by the board of the new school
14 district for the fiscal year beginning on the district's operational date, together
15 with presentation to and approval by the district's voters prior to that date;

16 (5) preparation for the provision of supervisory union services to the
17 new school district and, if applicable, for the transition of the union school
18 district from a supervisory district structure to a supervisory union structure;

19 and

20 (6) all other actions necessary to transition from one school district to
21 two districts and, if applicable, to transition from a supervisory district

1 ~~structure to a supervisory union structure, including any actions necessary to~~
2 address the collectively bargained rights of employees of the former
3 employing entity.

4 (e) Preparedness deemed unlikely.

5 (1) If the State Board determines preparedness is unlikely and issues a
6 written advisory statement detailing the factors underlying its conclusion
7 pursuant to subdivision (c)(2) of this section, it shall electronically transmit the
8 advisory statement to the board of the new school district upon its election.

9 (2) Upon receipt of the advisory statement, the board of the new school
10 district shall post the document on its website and schedule the contents as a
11 topic for public discussion at a special or regular board meeting.

12 (3) Prior to the operational date and after public discussion and any
13 board deliberations:

14 (A) The board of the new school district may continue to take all
15 actions necessary to prepare for the realignment of duties on the operational
16 date.

17 (B) On its own motion, or if petitioned to do so by at least five
18 percent of the voters in the new school district, the board of the new school
19 district shall warn a vote to request the State Board to reverse its declaration
20 approving withdrawal and reconstituting the new school district. The vote
21 shall be held before the October 1 prior to the operational date.

1 (i) The question shall be decided by Australian ballot.

2 (ii) Within 45 days after the vote or 15 days after a vote to
3 reconsider under 17 V.S.A. § 2661, whichever is later, the clerk of the new
4 school district shall certify the results of the vote to the Secretary of State who
5 shall record the certificate and give notice of the vote to the clerk of the union
6 district, the clerks of each of the other towns within the union district, and the
7 Secretary of Education. The clerk of the new school district shall submit the
8 certification regardless of whether the voters in the district voted to petition the
9 State Board to reverse its declarations.

10 (4) If the new school district requests the State Board to take action
11 under subdivision (3) of this subsection, then:

12 (A) the State Board shall reverse and void earlier declarations
13 approving withdrawal and reconstituting the new school district and the
14 withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is
15 concluded; and

16 (B) the union school district shall continue to be solely responsible
17 for the education of the students residing in the town that petitioned for
18 withdrawal; provided, however:

19 (i) the new school district and its board shall continue to exist for
20 up to six months after the day on which the State Board reverses and voids its

1 earlier declarations for the sole purpose of completing any outstanding

2 business that cannot legally be performed by another entity; and

3 (ii) the State Board may make any declarations and take any
4 actions, including recording certifications with the Secretary of State, that are
5 necessary to support the consequences outlined in this subdivision (e)(4).

6 (f) Application of this section to withdrawal from a union elementary or
7 union high school district.

8 (1) The processes outlined in this section shall apply to an action of a
9 member school district to withdraw from a union elementary or union high
10 school district if the four elements set forth in subdivisions (1)–(4) of
11 subdivision (a) are met.

12 (2) For purposes of applying the process in this section to withdrawal
13 from a union elementary or union high school district under this subsection,
14 the terms used in subsections (a) through (d) of this section have the following
15 meanings:

16 (A) “Petitioning town” means the member district of the union
17 elementary or union high school district that initiated the withdrawal process
18 pursuant to the provisions of 16 V.S.A. § 721a that were in effect prior to the
19 effective date of Sec. 3 of this act.

1 ~~(B) “Selectboard” means the board of the member district that~~
2 ~~initiated the withdrawal process pursuant to the provisions of 16 V.S.A. § 721a~~
3 ~~that were in effect prior to the effective date of Sec. 3 of this act.~~

4 ~~(C) “Town within the union school district” means a member district~~
5 ~~of the union elementary or union high school district.~~

6 ~~(g) Repeal. This section is repealed on July 1, 2024.~~

7 Sec. 7. WITHDRAWAL PROPOSALS; NO FINAL RATIFICATION

8 VOTES

9 ~~(a) Unified union school districts. If a town within a unified union school~~
10 ~~district voted to withdraw from the union district pursuant to the provisions of~~
11 ~~16 V.S.A. § 724 that were in effect prior to the effective date of Sec. 3 of this~~
12 ~~act, and if the voters of each of the other towns within the union district have~~
13 ~~not voted whether to ratify the withdrawal proposal prior to the effective date~~
14 ~~of this section or if they each voted but the votes are not final prior to the~~
15 ~~effective date, then the withdrawal action is deemed to have been withdrawn.~~
16 ~~The voters residing in any town within the union district may initiate new~~
17 ~~withdrawal procedures pursuant to the process set forth in Sec. 3, 16 V.S.A.~~
18 ~~§ 724, of this act.~~

19 ~~(b) Union elementary and union high school districts. If a member district~~
20 ~~of a union elementary or union high school district voted to withdraw from the~~
21 ~~union district pursuant to the provisions of 16 V.S.A. § 721a that were in effect~~

1 ~~prior to the effective date of Sec. 3 of this act, and if the voters of each of the~~
2 ~~other member districts of the union district have not voted whether to ratify the~~
3 ~~withdrawal proposal prior to the effective date of this section or if they each~~
4 ~~voted but the votes are not final prior to the effective date, then the withdrawal~~
5 ~~action is deemed to have been withdrawn. The voters residing in any member~~
6 ~~district of the union district may initiate new withdrawal procedures pursuant~~
7 ~~to the process set forth in Sec. 3, 16 V.S.A. § 725, of this act.~~

8 Sec. 8. EFFECTIVE DATE

9 ~~This act shall take effect on July 1, 2022.~~

*Sec. 1. 16 V.S.A. chapter 11, subchapter 1 is redesignated to be chapter 9,
subchapter 6 to read:*

Subchapter ~~16~~. ~~GENERALLY; CONTRACTS BETWEEN DISTRICTS~~

TO OPERATE SCHOOLS JOINTLY

§ 571. CONTRACTS TO CONSTRUCT AND OPERATE JOINT SCHOOLS

** * **

§ 572. JOINT BOARDS FOR JOINT, CONTRACT, OR CONSOLIDATED

SCHOOLS

** * **

Sec. 2. REPEAL

16 V.S.A. chapter 11 (union schools) is repealed on passage of this act.

Sec. 3. 16 V.S.A. chapter 11 is added to read:

CHAPTER 11. UNION SCHOOL DISTRICTS

Subchapter 1. General Provisions

§ 701. POLICY

It is the policy of the State to provide substantially equal educational opportunities for all children in Vermont by authorizing two or more school districts, including an existing union school district, to form a union school district for the purpose of providing for the education of its resident students in the grades for which it is organized, and for the new union school district to be a body politic and corporate with the powers incident to a municipal corporation, with all of the rights and responsibilities that a town school district has in providing for the education of its resident students. Formation of union school districts shall be designed to encourage and support local decisions and actions that provide substantial equity of educational opportunities statewide, lead students to achieve or exceed the State's Education Quality Standards, maximize operational efficiencies, promote transparency and accountability, and be delivered at a cost that parents, voters, and taxpayers value.

§ 702. DEFINITIONS

As used in this chapter:

(1) "Board clerk" means the individual selected to be clerk of the board of a union school district by the members of the board from among their

number pursuant to the provisions of sections 714 (initial members of union school district board), 729 (unified union district board members), and 747 (union elementary and union high school district board members) of this chapter.

(2) “District clerk” means the individual elected as clerk of a union school district by the voters of the district pursuant to the provisions of sections 715 (union school district organizational meeting), 735 (unified union school district officers and election), and 753 (union elementary and union high school district officers and election) of this chapter.

(3) “Forming districts” means all school districts, including union school districts, that are located within the geographical boundaries of a proposed or voter-approved union school district prior to the operational date of the union school district, which will potentially merge or have merged to form the new union school district.

(4) “Member district” means a school district, which can be a union school district, that is a member of a union elementary school district or a union high school district for certain grades, prekindergarten through grade 12, and is a distinct district organized to provide for the education of its resident students for all other grades, whether by operating one or more schools or paying tuition.

(5) “Operational date” means the date on which a union school district formed pursuant to the provisions of this chapter assumes full and sole responsibility for the education of all resident students in the grades for which it is organized.

(6) “School district” means a school district organized as a town school district, city school district, incorporated school district, or union school district, unless clearly inapplicable.

(7) In addition to its plain meaning, “town” means a city or incorporated village.

(8) In addition to its plain meaning, “town school district” means a city school district, or incorporated school district, and does not mean a union school district.

(9) “Town within a unified union school district” means each town located inside the geographic boundaries of a unified union school district and in which the district’s resident students live.

(10) “Transitional period” means the period of time beginning on the day on which a union school district becomes a legal entity pursuant to section 713 (certification of votes) of this chapter and continuing until its operational date.

(11) “Unified union school district” means a union school district organized to provide for the education of the district’s resident students in all grades, prekindergarten through grade 12.

(12) “Union elementary school district” and “union high school district” mean a union school district organized to provide for the education of the district’s resident students in fewer than all grades, prekindergarten through grade 12.

(13)(A) “Union school district” means a municipality formed under the provisions of this chapter that is governed by a single publicly elected board and that is responsible for the education of students residing in two or more towns in the grades for which the district is organized by:

(i) operating a school or schools for all grades;

(ii) operating a school or schools for all students in one or more grades and paying tuition for all students in the remaining grade or grades; or

(iii) paying tuition for all grades.

(B) Use of the term “union school district” or “union district” includes a union elementary school district, union high school district, and unified union school district unless the context clearly limits it to fewer than all options.

(14) “Weighted voting” means a system, sometimes used in the “proportional to town population” model of union school district board

membership, set forth in subdivisions 711(d)(1), 711(e)(1), 730(a)(1), 748(a)(1), and 748(b)(1) of this chapter, where proportionality is achieved by assigning a different number of votes to each board member.

§ 703. APPLICATION OF OTHER LAWS AND ARTICLES OF

AGREEMENT

(a) Other education laws. The provisions of this chapter are intended to be in addition to the general provisions of law pertaining to schools, school districts, and supervisory unions. General provisions of law shall apply to union school districts unless inconsistent with or otherwise provided in this chapter.

(b) Existing articles of agreement.

(1) If a union school district joins with other school districts to form a new union school district pursuant to the provisions of sections 706–715 (process of exploration, formation, and organization of a union school district) of this chapter, then the articles of agreement of the existing union school district are repealed, and the articles of agreement of the new union school district shall govern.

(2) If a union school district joins another existing union school district pursuant to the provisions of section 721 (joining an existing union school district) of this chapter, then the articles of agreement of the joining district are

repealed, and the articles of agreement of the enlarged union school district shall govern, unless the districts agree otherwise.

Subchapter 2. Exploration, Formation, and Organization

Article 1. Process

§ 706. PROPOSAL TO FORM STUDY COMMITTEE; BUDGET AND MEMBERSHIP

(a) Establishment of committee. When the boards of two or more school districts vote to establish a study committee to study the advisability of forming a union school district or are petitioned to do so by at least five percent of voters in the school district, the boards shall meet with the superintendent or superintendents of each school district. With the advice of the superintendent or superintendents, the boards shall establish a budget for the study committee's work and shall determine the number of persons to serve on the study committee pursuant to subsection (b) of this section.

(b) Budget and membership. Each participating school district's share of the established budget and membership on the study committee shall be the same as the proportion of the school district's equalized pupils to the total equalized pupils of all school districts intending to participate formally in the study committee. As used in this subsection, "equalized pupils" has the same meaning as in section 4001 of this title.

(c) Existing union school districts.

(1) Existing union elementary or union high school district; proposed unified union school district. If the board of an existing union elementary or union high school district votes to participate in a study committee to consider formation of a unified union school district, or is petitioned by the voters to do so, then:

(A) The interests of the existing union school district shall be represented by its member districts on the study committee.

(B) Any warning and vote on the study committee budget pursuant to section 707 of this chapter and the warning and vote on any resulting proposal to form a unified union school district pursuant to section 710 shall be at the member district level.

(C) If the existing union school district does not have any member districts because all towns for which it is organized are members of both a union elementary school district and a union high school district, then the existing union school district shall represent its own interests on the study committee, and the towns within it shall not participate on its behalf.

(D) If a town is a member of both a union elementary school district and a union high school district, is not independently organized as a district that is responsible for the education of students in any grade, and does not

have a town school district board, then notwithstanding other provisions to the contrary:

(i) To the extent possible, the boards of the union elementary and union high school districts of which the town is a member shall make a reasonable attempt, jointly, to appoint a member to the study committee who resides in the town.

(ii) The legislative body or appropriate officer of the town shall perform electoral functions, including warning meetings and conducting the voting process, ordinarily performed by and in member districts on behalf of a union school district.

(2) Existing unified union school district; proposed unified union school district. If the board of a unified union school district votes to participate in a study committee to consider formation of a new unified union school district rather than the enlargement of the existing unified union school district pursuant to section 721 (joining an existing union school district) of this chapter, or is petitioned by the voters to do so, then:

(A) The existing unified union school district shall represent its own interests on the study committee, and the towns within it shall not participate on its behalf.

(B) To the extent possible, the board of the existing unified union school district shall make a reasonable attempt to appoint members to the study committee who reside in each town within the district.

(C) Any warning and vote on the study committee budget pursuant to section 707 of this chapter and the warning and vote of the electorate on any resulting proposal to form a new unified union school district pursuant to section 710 shall proceed pursuant to the provisions for commingled Australian ballot voting as set forth in subchapter 3 (unified union school districts) of this chapter.

(3) Existing union elementary or union high school district; proposed union elementary or union high school district. If the board of an existing union elementary or union high school district votes to participate in a study committee to consider formation of a new union elementary or union high school district rather than enlarging the existing union school district pursuant to section 721 (joining an existing union school district) of this chapter, or is petitioned by the voters to do so, then:

(A) The existing union school district shall represent its own interests on the study committee, and the member districts of the existing union school district shall not participate on its behalf.

(B) To the extent possible, the board of the existing union school district shall make a reasonable attempt to appoint members to the study

committee who reside in each of the member districts within the existing union school district.

(C) Any warning and vote on the study committee budget pursuant to section 707 of this chapter and the warning and vote of the electorate on any resulting proposal to form a new union elementary or union high school district pursuant to section 710 of this chapter shall proceed pursuant to the provisions for commingled Australian ballot voting as set forth in subchapter 4 (union elementary and union high school districts) of this chapter.

§ 707. APPROVAL OF STUDY BUDGET; APPOINTMENT OF STUDY

COMMITTEE; PARTICIPATION

(a) Proposed budget exceeding \$50,000.00.

(1) If the proposed budget established in section 706 of this chapter exceeds \$50,000.00, then subject to the provisions of that section the board of each potentially participating school district shall warn the district's voters to meet at an annual or special school district meeting to vote whether to appropriate funds necessary to support the district's financial share of a study committee's costs. The meeting in each school district shall be warned for the same date. The warning in each school district shall contain an identical article in substantially the following form:

Shall the school district of _____ appropriate funds necessary to support the school district's financial share of a study to determine the

advisability of forming a union school district with some or all of the following school districts: _____, _____, and _____? It is estimated that the _____ school district's share, if all of the identified school districts vote to participate, will be \$_____. The total proposed budget, to be shared by all participating school districts is \$_____."

(2) If the vote in subdivision (1) of this subsection is in the affirmative in two or more school districts, then the boards of the affirming school districts shall appoint a study committee consisting of the number of persons determined pursuant to section 706 (proposed study committee budget and membership) of this chapter. At least one current board member from each participating school district shall be appointed to the study committee. The board of a school district appointing more than one person to the study committee may appoint residents of the school district who are not members of the board to any of the remaining seats.

(3) The sums expended for study purposes under this section shall be considered part of the approved cost of any project in which the union school district, if created, participates pursuant to chapter 123 of this title.

(b) Proposed budget not exceeding \$50,000.00.

(1) If the proposed budget established in section 706 of this chapter does not exceed \$50,000.00, then the boards of the participating school

districts shall appoint a study committee consisting of the number of persons determined under that section. At least one current board member from each participating school district shall be appointed to the study committee. The board of a school district appointing more than one person to the study committee may appoint residents of the school district who are not members of the board to any of the remaining seats.

(2) The sums expended for study purposes under this section shall be considered part of the approved cost of any project in which the union school district, if created, participates pursuant to chapter 123 of this title.

(c) Additional costs.

(1) If the voters approve a budget that exceeds \$50,000.00 but the study committee later determines that its budget is likely to exceed the projected, voter-approved amount, then the boards of all participating school districts shall obtain voter approval for the amounts exceeding the previously approved budget in the manner set forth in subdivision (a)(1) of this section before the study committee obligates or expends sums in excess of the initial voter-approved amount.

(2) If a proposed budget does not exceed \$50,000.00 at the time the school boards appoint members to the study committee, but the study committee later determines that its total budget is likely to exceed \$50,000.00, then the boards of all participating school districts shall obtain voter approval

for the amounts exceeding \$50,000.00 in the manner set forth in subdivision (a)(1) of this section before the study committee obligates or expends funds in excess of \$50,000.00.

(d) Grants. Costs to be paid by State, federal, or private grants shall not be included when calculating whether a study committee's budget or proposed budget exceeds \$50,000.00.

(e)(1) Subsequent appointments of persons to the study committee; vacancy. Subject to the requirement that each school board appoint at least one current member of the board, the board of a participating school district shall appoint a person residing in the school district to the study committee if one of the school district's seats is vacant because a study committee member:

(A) is no longer a member of the school district's board and was the sole board member appointed by that school district;

(B) has resigned from or is no longer able to serve on the study committee; or

(C) has not attended three consecutive study committee meetings without providing notice to the study committee chair of the reason for each absence and obtaining a determination of the study committee members that the absences were reasonable.

(2) Notice under subdivision (1)(C) of this subsection shall be given in advance of absences whenever possible.

(f) Formal participation in study committee.

(1) A school district shall not be a formal participant in and appoint members to more than one study committee created under this chapter at any one point in time.

(2) A school district shall not formally withdraw its participation in an existing study committee after the school district has appointed members to that committee until the study committee dissolves pursuant to subsection 708(e) of this chapter.

(g) Additional formal participants.

(1) Subject to the provisions of subsection (f) of this section, a school district may join as an additional formal participant in a study committee after creation of the committee if:

(A) the school district's board has requested the committee's approval to participate after either a vote of the school district's board or a petition by five percent of the school district's voters and if the study committee votes to approve formal participation by the district; or

(B) the study committee has voted to ask the school district to participate formally and either the board of the school district votes to approve formal participation or is petitioned by five percent of the school district's voters to do so.

(2) A school district that becomes a formal participant in an existing study committee pursuant to this subsection is subject to the provisions of section 706 (proposed study committee budget and membership) of this chapter regarding financial and representational proportionality and to all other requirements of study committees set out in this chapter.

(h) Informal participation by other school districts.

(1) The board of a school district that is not a formal participant in an existing study committee may authorize one or more of the board's members to contact the study committee to discuss whether it may be advisable to include the school district within a proposal to form a new union school district as an "advisable" district, as described in section 708 (necessary and advisable districts) of this chapter.

(2) An existing study committee may authorize one or more of its members to contact the board of one or more additional school districts that are not formal participants in the committee to discuss whether it may be advisable to include the school district within a proposal to form a new union school district as an "advisable" district.

(3) An existing study committee may invite representatives of a nonparticipating school district's board to participate informally in the study committee's deliberations.

(4) Nothing in this section shall be construed to prohibit the board of a school district from authorizing informal exploration between and among the boards of school districts prior to the formation of a study committee.

§ 708. STUDY COMMITTEE; NECESSARY AND ADVISABLE

DISTRICTS; CONTENTS OF STUDY COMMITTEE REPORT AND
PROPOSED ARTICLES; DISSOLUTION OF COMMITTEE

(a) Study committee; process.

(1) The superintendent shall convene a study committee's first meeting when the committee's members are appointed. If the participating districts are members of more than one supervisory union, then the superintendents shall decide which of their number shall convene the meeting. The study committee members shall elect a chair who shall notify the Secretary in writing of the committee's creation and the chair's election within 30 days following the vote of the committee's creation.

(2) Staff of the supervisory union or unions shall provide administrative assistance to the study committee.

(3) The Secretary shall cooperate with the study committee and is authorized to make Agency staff available to provide technical assistance to the committee.

(4) The study committee is a public body pursuant to 1 V.S.A. § 310(4) and is subject to the requirements of 1 V.S.A. chapter 5, subchapter 2.

(5) Although a study committee should try to achieve consensus, committee decisions shall be reached by a majority of all committee members present and voting.

(b) Necessary and advisable school districts. If a study committee decides to recommend formation of a union school district, then it shall determine whether each school district included in the recommended formation is “necessary” or “advisable” to formation.

(1) “Necessary” school district.

(A) The study committee shall identify a school district as “necessary” to formation of the union school district only if the school district is a formal participant in the study committee.

(B) Subject to the provisions of subsection 706(c) of this chapter, the school board of a “necessary” school district is required to warn a vote of the electorate under sections 710 (vote to form union school district) and 711 (initial members of union school district board election) of this chapter.

(C) A proposed union school district is formed only if the voters voting in each “necessary” school district vote to approve formation.

(2) “Advisable” school district.

(A) The study committee may identify any school district as “advisable” to formation of the union school district even if the school district is not a formal participant in the study committee.

(B) The school board of an “advisable” school district is not required to warn a vote of the electorate under sections 710 (vote to form union school district) and 711 (initial members of union school district board election) of this chapter, except upon application of 10 percent of the voters in the school district.

(C) Voter approval in an “advisable” district is not required for formation of a new union school district.

(3) Existing union elementary or union high school district. Notwithstanding other provisions of this subsection, an existing union elementary or union high school district is “necessary” to the formation of a unified union school district even though its interests are represented by its member districts pursuant to subdivision 706(c)(1) (study committee budget and membership for existing union school districts) of this chapter.

(c) Proposal to form union school district; report and proposed articles of agreement. If a study committee determines that it is advisable to propose formation of a union school district, then it shall prepare a report analyzing the strengths and challenges of the current structures of all “necessary” and “advisable” school districts and outlining the ways in which a union school district promotes the State policy set forth in section 701 of this chapter. The study committee shall also prepare proposed articles of agreement that, if approved pursuant to the provisions of this chapter, shall serve as the

operating agreement for the new union school district. At a minimum, articles of agreement shall state:

(1) The name of any school district the study committee considers “necessary” to formation of the proposed union school district.

(2) The name of any school district the study committee considers “advisable” to include in the proposed union school district.

(3) The legal name or temporary legal name by which the union school district shall be known.

(4) The grades, if any, that the proposed union school district will operate and the grades, if any, for which it will pay tuition.

(5) The cost and general location of any proposed new school buildings to be constructed and the cost and general description of any proposed renovations to existing school buildings.

(6) A plan for the first year of the union school district’s operation for transportation of students, assignment of staff, and use of curriculum that is consistent with existing contracts, collective bargaining agreements, and other provisions of law. The board of the union school district, if formed, shall make all subsequent decisions regarding transportation, staff, and curriculum subject to existing contracts, collective bargaining agreements, and other provisions of law.

(7) A list of the indebtedness of each “necessary” and “advisable” district, which the union school district shall assume.

(8) The specific pieces of real property of each “necessary” and “advisable” district that the union school district shall acquire, their valuation, and how the union school district shall pay for them.

(9) Consistent with the proportional representation requirements of the Equal Protection Clause of the U.S. Constitution, the method or methods of apportioning representation on the union school district board as set forth in subsections 711(d) (unified union school district), (e) (union elementary or union high school district), and (f) (weighted voting) of this chapter.

(10) The term of office for each member initially elected to the union school district board, to be arranged so that one-third expire on the day of the second annual meeting of the union school district, one-third on the day of the third annual meeting, and one-third on the day of the fourth annual meeting, or as near to that proportion as possible.

(11) The date on which the proposal to create the union school district and the election of initial union school district board members will be submitted to the voters.

(12) The date on which the union school district will be solely responsible for the education of its resident students in the grades for which it

is organized and will begin operating any schools, paying any tuition, and providing educational services.

(13) Whether the election of board members, election of school district officers, votes on the union school district budget, or votes on other public questions, or any two or more of these, shall be by Australian ballot.

(14) Any other matters that the study committee considers pertinent.

(d) No proposal to form a union school district. If a study committee determines that it is inadvisable to propose formation of a union school district, then its members shall vote to dissolve the committee. If the study committee members vote to dissolve, then the chair shall notify the Secretary in writing of the vote.

(e) Dissolution of study committee.

(1) If a study committee proposes formation of a union school district pursuant to subsection (c) of this section, then the committee shall cease to exist when the clerk of each school district voting on a proposal to establish the union school district has certified the results of the vote to the Secretary pursuant to subsection 713(a) of this chapter.

(2) If a study committee determines that it is inadvisable to propose formation of a union school district, then the committee shall cease to exist when the chair notifies the Secretary of the committee's vote pursuant to subsection (d) of this section.

§ 709. REVIEW BY LOCAL SCHOOL DISTRICT BOARDS:

CONSIDERATION AND APPROVAL BY STATE BOARD OF
EDUCATION

(a) If a study committee determines that it is advisable to propose formation of a union school district, then the committee shall transmit its report and proposed articles of agreement to the school board of each school district that the report identifies as either “necessary” or “advisable” to formation of the proposed union school district. Each board may review the report and proposed articles and may provide its comments to the study committee. The study committee has sole authority to determine the contents of the report and proposed articles and to decide whether to submit them to the State Board under subsection (b) of this section.

(b) If a study committee determines that it is advisable to propose formation of a union school district, then the committee shall transmit the report and proposed articles of agreement to the Secretary who shall submit them with recommendations to the State Board.

(c)(1) The State Board:

(A) shall consider the study committee’s report and proposed articles of agreement and the Secretary’s recommendations;

(B) shall provide the study committee an opportunity to be heard;

(C) may ask the Secretary or the study committee, or both, to make further investigation and may consider any other information the State Board deems to be pertinent; and

(D) may request that the study committee amend the report or the proposed articles of agreement, or both.

(2) If the State Board finds that formation of the proposed union school district is in the best interests of the State, the students, and the school districts, and aligns with the policy set forth in section 701 of this title, then it shall approve the study committee's report and proposed articles of agreement, together with any amendments, as the final report and proposed articles of agreement, and shall give notice of its action to the study committee.

(d) The chair of the study committee shall file a copy of the approved final report and proposed articles of agreement with the clerk of each school district identified as "necessary" or "advisable" at least 30 days prior to the vote of the electorate on whether to form the union school district.

§ 710. VOTE TO FORM UNION SCHOOL DISTRICT

Subject to the provisions of subsections 706(c) (proposal to form study committee; existing union school districts) and 708(b) (study committee; necessary and advisable districts) of this chapter, the voters of each school district identified as "necessary" or "advisable" shall vote whether to form the proposed union school district, as follows:

(1) The vote shall be held on the date specified in the final report.

(2) The vote shall be by Australian ballot.

(3) The vote shall be at separate school district meetings held on the same day.

(4) The opportunity for early and absentee voting pursuant to 17 V.S.A. §§ 2531–2550 shall be provided.

(5) The board of each school district voting on the proposal shall warn the vote either as a special meeting of the school district or as part of its annual meeting.

§ 711. VOTE TO ELECT INITIAL MEMBERS OF THE UNION SCHOOL

DISTRICT BOARD

(a) Election of initial members of union school district board. At the meeting warned to vote on formation of a union school district under section 710 of this chapter, the voters shall also elect the initial members who will serve on the board of the union school district if the voters approve the district's formation.

(1) The vote to elect the initial members shall be by Australian ballot.

(2) The opportunity for early and absentee voting pursuant to 17 V.S.A. §§ 2531–2550 shall be provided.

(b) Representation and term length. Initial membership on a union school district board shall be pursuant to the method of representation set forth in the

articles of agreement, for the terms specified in that document, and pursuant to the provisions of this section and subdivisions 708(c)(9) and (10) (study committee; proposed articles of agreement; apportionment and terms) of this chapter.

(c) Operational definitions. As used in subsections (d) and (e) of this section, any term not defined in section 702 of this chapter shall have its plain meaning, except as provided in this subsection.

(1) If, pursuant to section 425 (other town school district officers) of this title, the voters of a school district have elected a district clerk who is not also the clerk of the town served by the school district, then “town clerk” means the elected clerk of that school district.

(2) Notwithstanding subdivision (1) of this subsection, if a potential forming district is an existing unified union school district, then:

(A) Reference to the voters of the “school district” means the voters of each town within the existing unified union school district, who shall vote at a location in their town of residence that is identified in the warning issued by the existing unified union school district; provided, however, that the total of all votes cast in the towns shall determine the modified at-large and at-large election of initial board members pursuant to subdivisions (d)(2) (proposed unified union district; modified at-large), (d)(3) (proposed union district; at-large), (e)(2) (proposed union elementary or union high school district;

modified-at large), and (e)(3) (proposed union elementary or union high school district; at-large) of this section, as well as whether the existing unified union school district approves formation of the new unified union school district.

(B) “Town clerk” means the clerk of each town within the existing unified union school district; provided, however, that the town clerk of each town shall transmit the name of each duly nominated candidate to the clerk of the existing unified union school district, who shall prepare the unified union school district ballot for that town and transmit the ballot to the town clerk to make available to the voters.

(3) Notwithstanding subdivision (1) (clerk of school district) of this subsection, if a town is a member of both a union elementary school district and a union high school district, is not independently organized as a district that is responsible for the education of students in any grade, and does not have a town school district board, then:

(A) reference to the voters of the “school district” means the voters of the town that is the member of both existing union school districts, who shall vote at a location in their town of residence that is identified in the warning issued by:

(i) the existing union elementary school district if the voters are voting on a proposed unified union school district or a proposed union elementary school district; or

(ii) the existing union high school district if the voters are voting on a proposed union high school district; and

(B) “town clerk” means the clerk of the town that is a member of both existing union school districts; provided, however, that the town clerk shall transmit the name of each duly nominated candidate to the clerk of the union school district identified in subdivision (A) of this subdivision (3), who shall prepare the ballot for that town and transmit the ballot to the town clerk to make available to the voters.

(d) Proposed unified union school district. Subject to the provisions of subsections 706(c) (existing union school districts) and 708(b) (necessary and advisable school districts) of this chapter, the voters of each school district identified as “necessary” or “advisable” shall vote whether to elect initial board members of a proposed unified union school district, as follows

(1) Proportional to town population. When representation on the board of a proposed unified union school district is apportioned to each potential town within the proposed district in a number that is closely proportional to the town’s relative population:

(A) Voters of each school district identified as either “necessary” or “advisable” to formation of the proposed unified union school district shall file a petition nominating a candidate for the office of unified union school district board member based on town population. A petition shall be valid only if:

(i) the candidate is a current voter of the town;

(ii) the petition identifies the term of office for which the candidate is nominated;

(iii) the petition is signed by at least 30 voters residing in the town or one percent of the legal voters in the town, whichever is less;

(iv) the voters file the petition with the town clerk of the town in which the candidate resides not later than 5:00 p.m. on the sixth Monday preceding the day of the election; and

(v) the candidate files with the town clerk a written consent to the printing of the candidate’s name on the ballot.

(B) The town clerk shall place the name of each duly nominated candidate on the ballot to be presented to the voters of the school district.

(C) The voters of the school district for the town in which the candidate resides shall elect as many board members to the unified union school board as are apportioned based on the town’s population.

(2) Modified at-large model: allocation to town; at-large representation. When representation on the board of a proposed unified union school district is allocated to each potential town within the proposed district, but the allocation is not closely proportional to the town's relative population and the board member is elected at-large:

(A) Voters of each school district identified as either "necessary" or "advisable" to formation of the proposed unified union school district shall file a petition nominating a candidate for the office of unified union school district board member allocated to the voters' town. A petition shall be valid only if:

(i) the candidate is a current voter of the town;

(ii) the petition identifies the term of office for which the candidate is nominated;

(iii) the petition is signed by at least 30 voters residing in the town or one percent of the legal voters in the town, whichever is less;

(iv) the voters file the petition with the town clerk of the town in which the candidate resides not later than 5:00 p.m. on the sixth Monday preceding the day of the election; and

(v) the candidate files with the town clerk a written consent to the printing of the candidate's name on the ballot.

(B) Upon receipt of a petition for a unified union school district board member allocated to a potential town within the proposed district but to be elected at-large under the modified at-large model, the town clerk shall place the name of the duly nominated candidate on the ballot to be presented to the voters of the school district and shall notify the town clerks preparing the ballots for the voters of each of the other “necessary” school districts and of each “advisable” school district voting on formation of the proposed unified union school district to place the candidate’s name on the ballot presented to the voters in those districts. Alternatively, at their discretion, the town clerks may meet jointly to prepare a uniform ballot.

(C) The voters of each “necessary” school district and of each “advisable” school district voting on formation of the proposed unified union school district shall vote for the board members to be elected at-large under the modified at-large model; provided, however, that ballots shall be included in the calculation of total votes cast pursuant to the provisions of subdivision 714(a)(2) (calculation of votes) of this chapter.

(3) At-large representation. When representation on the board of a proposed unified union school district is not apportioned or allocated to the potential towns within the proposed district pursuant to subdivision (1) (proportional to town population) or (2) (modified at-large) of this subsection and the board member is elected at-large:

(A) The voters of one or more school districts identified as “necessary” to formation of the proposed unified union school district shall file a petition nominating a candidate for the office of unified union school district board member at-large. A petition shall be valid only if:

(i) the candidate is a current voter of a school district identified as “necessary” to the formation of the proposed union school district;

(ii) the petition identifies the term of office for which the candidate is nominated;

(iii) the petition is signed by at least 60 voters residing in one or more school districts identified as “necessary” to the formation of the proposed unified union school district;

(iv) the voters file the petition with the town clerk in the “necessary” school district in which the candidate resides not later than 5:00 p.m. on the sixth Monday preceding the day of the election; and

(v) the candidate files with the town clerk a written consent to the printing of the candidate’s name on the ballot.

(B) Upon receipt of a petition for a unified union school district board member elected at-large, the town clerk shall place the name of the duly nominated candidate on the ballot to be presented to the voters of the school district and shall notify the town clerks preparing the ballots for the voters of each of the other “necessary” school districts and of each “advisable” school

district voting on formation of the proposed unified union school district to place the candidate's name on the ballot presented to the voters in those districts. Alternatively, at their discretion, the town clerks may meet jointly to prepare a uniform ballot.

(C) The voters of each "necessary" school district and of each "advisable" school district voting on formation of the proposed unified union school district shall vote for the members to be elected at-large; provided, however, that ballots shall be included in the calculation of total votes cast pursuant to the provisions of subdivision 714(a)(2) (calculation of votes) of this chapter.

(e) Proposed union elementary or union high school district. Subject to the provisions of subsections 706(c) (existing union school districts) and 708(b) (necessary and advisable school districts) of this chapter, the voters of each school district identified as "necessary" or "advisable" shall vote whether to elect initial board members of the proposed union school district, as follows:

(1) Proportional to town population. When representation on the board of a proposed union elementary or union high school district is apportioned to each potential member district of the proposed district in a number that is closely proportional to the potential member district's relative population:

(A) Voters of each school district identified as either "necessary" or "advisable" to formation of the proposed union school district shall file a

petition nominating a candidate for the office of union school district board member representing the potential member district. A petition shall be valid only if:

(i) the candidate is a current voter of the potential member district;

(ii) the petition identifies the term of office for which the candidate is nominated;

(iii) the petition is signed by at least 30 voters residing in the potential member district or one percent of the legal voters in the district, whichever is less;

(iv) the petition is filed with the town clerk not later than 5:00 p.m. on the sixth Monday preceding the day of the election; and

(v) the candidate files with the town clerk a written consent to the printing of the candidate's name on the ballot.

(B) The town clerk shall place the name of each duly nominated candidate on the ballot to be presented to the voters of the potential member district.

(C) The voters of the district shall elect as many board members as are apportioned to the potential member district based on population.

(2) Modified at-large model: allocation to town; at-large representation. When representation on the board of a proposed union

elementary or union high school district is allocated to each potential member district, but the allocation is not closely proportional to the potential member district's relative population and the board member is elected at-large:

(A) Voters of each school district identified as either "necessary" or "advisable" to formation of the proposed union school district shall file a petition nominating a candidate for the office of union school district board member allocated to the potential member district. A petition shall be valid only if:

(i) the candidate is a current voter of the potential member district;

(ii) the petition identifies the term of office for which the candidate is nominated;

(iii) the petition is signed by at least 30 voters residing in the potential member district or one percent of the legal voters in the district, whichever is less;

(iv) the petition is filed with the town clerk of the school district in which the candidate resides not later than 5:00 p.m. on the sixth Monday preceding the day of the election; and

(v) the candidate files with the town clerk a written consent to the printing of the candidate's name on the ballot.

(B) Upon receipt of a petition for union school district board member allocated to a potential member district but to be elected at-large under the modified at-large mode, the town clerk shall place the name of the duly nominated candidate on the ballot to be presented to the voters of the potential member district and shall notify the town clerks preparing the ballots for the voters of each of the other “necessary” school districts and of each “advisable” school district voting on formation of the proposed union school district to place the candidate’s name on the ballot presented to the voters in those districts. Alternatively, at their discretion, the town clerks may meet jointly to prepare a uniform ballot.

(C) The voters of each “necessary” school district and of each “advisable” school district voting on formation of the proposed unified union school district shall vote for the board members to be elected at-large under the modified at-large model; provided, however, that ballots shall be included in the calculation of total votes cast pursuant to the provisions of subdivision 714(a)(2) (calculation of votes) of this chapter.

(3) At-large representation. When representation on the board of a proposed union elementary or union high school district board is not apportioned or allocated to the potential member districts pursuant to subdivision (1) (proportional to town population) or (2) (modified at large) of this subsection and the board member is elected at-large:

(A) The voters of one or more school districts identified as “necessary” to the formation of the proposed union school district shall file a petition nominating a candidate for the office of union school district board member at-large. A petition shall be valid only if:

(i) the candidate is a current voter of a school district identified as “necessary” to the formation of the proposed union school district;

(ii) the petition identifies the term of office for which the candidate is nominated;

(iii) the petition is signed by at least 60 voters residing in one or more school districts identified as “necessary” to the formation of the proposed union school district;

(iv) the petition is filed with the town clerk in the “necessary” school district in which the candidate resides not later than 5:00 p.m. on the sixth Monday preceding the day of the election; and

(v) the candidate files with the town clerk a written consent to the printing of the candidate’s name on the ballot.

(B) Upon receipt of a petition for a union school district board member to be elected at-large, the town clerk shall place the name of the duly nominated candidate on the ballot to be presented to the voters of the school district and shall notify the town clerks preparing the ballots for the voters of each of the other “necessary” school districts and of each “advisable” school

district voting on formation of the proposed union school district to place the candidate's name on the ballot presented to the voters in those districts. Alternatively, at their discretion, the town clerks may meet jointly to prepare a uniform ballot.

(C) The voters of each "necessary" school district and of each "advisable" school district voting on formation of the proposed union school district shall vote for the board members to be elected at-large; provided, however, that ballots shall be included in the calculation of total votes cast pursuant to the provisions of subdivision 714(a)(2) (calculation of votes) of this chapter.

(f) Weighted voting. If representation on a union school district board is apportioned based upon population pursuant to subdivision (d)(1) or (e)(1) of this section, then the union school district may achieve proportionality through a system of weighted voting.

§ 712. CONTENTS OF WARNING ON VOTES TO ESTABLISH THE

UNION SCHOOL DISTRICT AND ELECT THE INITIAL

MEMBERS OF THE UNION SCHOOL DISTRICT BOARD

The warning for each school district meeting to vote on formation of a union school district shall contain two articles in substantially the following form. The language used in Article I shall be the same for each "necessary" and "advisable" district voting on formation of the new district. Article II of

the warning shall not include names of candidates for the union school district board.

WARNING

The voters of the _____ School District are hereby notified and warned to meet at _____ on the ___ day of _____, 20___, to vote by Australian ballot between the hours of _____, at which time the polls will open, and _____, at which time the polls will close, upon the following articles of business:

Article I. FORMATION OF UNION SCHOOL DISTRICT

Shall the _____ School District, which the proposed articles of agreement have identified as [“necessary” or “advisable”] to the formation of the proposed union school district, join with the school district[s] of _____ and _____, which are identified as “necessary” to formation, and potentially the school district[s] of _____ and _____, which are identified as “advisable” to formation, for the purpose of forming a union school district, as provided in Title 16, Vermont Statutes Annotated, upon the following conditions and agreements:

(a) Grades. The union school district shall be organized to provide for the education of resident students in grades _____ through _____ and shall assume full and sole responsibility therefor on July 1, 20___.

(b) Operation of schools. The union school district shall operate and manage one or more schools offering instruction in grades _____ through _____. [Amend as necessary if the district will pay tuition for any or all grades for which it is organized.]

(c) Union school district board. [State method by which representation of each member of the union school board is to be determined pursuant to section 711 (vote to elect initial members) of this chapter.]

(d) Assumption of debts and ownership of school property. The union school district shall assume the indebtedness of forming districts, acquire the school properties of the forming districts, and pay for them, all as specified in the final report and proposed articles of agreement.

(e) Final report. The provisions of the final report and proposed articles of agreement approved by the State Board of Education on the ___ day of _____, 20___, which is on file in the office of the clerk of each school district named in this warning, shall govern the union school district.

Article II. ELECTION OF INITIAL MEMBERS OF THE UNION

SCHOOL DISTRICT BOARD

To elect a total of _____ () member(s) to serve as initial members of the proposed union school district board for the terms established in the final report and proposed articles of agreement: [Amend as necessary to reflect

method for determining school board membership pursuant to section 711
(vote to elect initial members) of this chapter.]

(a) [Insert number] Board Member[s] to serve until the second annual
meeting of the union school district, in 20__.

(b) [Insert number] Board Member[s] to serve until the third annual
meeting of the union school district, in 20__.

(c) [Insert number] Board Member[s] to serve until the fourth annual
meeting of the union school district, in 20__.

§ 713. CERTIFICATION OF VOTES; DESIGNATION OF DISTRICT AS
UNION SCHOOL DISTRICT; RECORDING BY SECRETARY OF
STATE

(a) Within 45 days after the vote or 15 days after a vote to reconsider the
original vote under 17 V.S.A. § 2661, whichever is later, the clerk of each
school district voting on the proposal to form a union school district shall
certify the results of that vote to the Secretary of Education. The clerk shall
submit the certification regardless of whether the district voters approved the
proposed formation of a union school district.

(b) If the voters voting in each school district identified as “necessary” to
formation of the proposed union school district vote to form the district, then
the “necessary” school districts constitute a union school district, together

with any school district designated as “advisable” that votes to form the proposed union school district.

(c) If the voters approve formation of a union school district pursuant to subsection (b) of this section, then upon receiving the certification of each clerk pursuant to subsection (a) of this section, but not sooner than 30 days after the initial vote, the Secretary shall designate the newly formed district as a union school district. The Secretary shall certify that designation and send the certification together with the clerks’ certifications to the Secretary of State, who shall record the certification.

(d) When the Secretary of State records the certification of the Secretary of Education, the union school district shall be a body politic and corporate with the powers incident to a municipal corporation, shall be known by the name or number given in the recorded certification, by that name or number may sue and be sued, and may hold and convey real and personal property for the use of the union school district. The recorded certification shall be notice to all parties of the formation of the union school district with all the powers incident to such a district as provided in this title.

(e) The Secretary of State shall file a certified copy of the recorded certification with the clerk of each member district of a new union elementary or union high school district and with the town clerk of each town within a new unified union school district. The Secretary of State shall file the certified

copies not later than 14 days after the date on which the Secretary of Education certifies the existence of the union school district to the Secretary of State. Filing a certified copy with each clerk shall be prima facie evidence of full compliance with the requirements for the formation of a union school district as set forth in this subchapter.

§ 714. INITIAL MEMBERS OF UNION SCHOOL DISTRICT BOARD;

TALLYING OF AT-LARGE VOTES; OATH OF OFFICE AND
ASSUMPTION OF DUTIES

(a) Tallying of at-large votes for initial members of board. If the voters have elected some or all of the initial members of the union school district board under either model involving at-large voting as set forth in subdivision 711(d)(2) (proposed unified union school district; modified at-large), (d)(3) (proposed unified union school district; at-large), (e)(2) (proposed union elementary or union high school district; modified at-large), or (e)(3) (proposed union elementary or union high school district; at-large) of this chapter, then the total votes cast for each of the at-large candidates shall be calculated as follows:

(1) Within seven days after the vote, the clerk of each school district voting on the proposal to form a union school district shall transmit electronically to the Secretary of Education the total number of votes cast in that school district for each at-large candidate.

(2) The Secretary shall calculate the total votes cast for each candidate and transmit those calculations to the clerks for verification. Ballots cast by the voters of any “advisable” district that does not approve the proposal to form a new union school district shall not be included in the calculation.

(3) When each clerk has verified the calculations, the Secretary shall prepare and execute a certification of the votes cast for each candidate.

(b) Notification. If the voters approve formation of a new union school district, then within 30–45 days after the vote or 15 days after a vote to reconsider the original vote to form the district, whichever is later, the notification of the election of initial board members shall be sent to the Secretary of State as follows:

(1) The clerk of each forming district shall transmit the names of board members elected in a manner that is proportional to town population as set forth in subdivision 711(d)(1) (proposed unified union district; proportional to town population) or (e)(1) (proposed union elementary or union high school district; proportional to town population) of this chapter.

(2) The Secretary of Education shall transmit the names of board members elected under either model involving at-large voting.

(c) Oath of office; assumption of duties; election of chair and clerk. The superintendent of the supervisory union serving the new union school district shall cause the initial board members to be sworn in. Although the swearing-

in may occur prior to the organizational meeting required by section 715 of this chapter; it shall not occur before the Secretary of State files the certified copy of the recorded certification with each clerk pursuant to subsection 713(e) of this chapter. The initial board members shall assume office upon being sworn in and shall meet to elect one of their number to serve as the board chair and one other of its number to serve as the board clerk, and to transact any other business within its jurisdiction; provided, however, such meeting shall not occur prior to the organizational meeting required by section 715.

§ 715. ORGANIZATIONAL MEETING; NOTICE; BUSINESS TO BE
TRANSACTIONED

(a) Meeting. The union school district shall hold an organizational meeting within 60 days after the Secretary of State files the certified copy of the recorded certification with each clerk pursuant to subsection 713(e) of this chapter.

(b) Notice.

(1) The Secretary of Education shall prepare and execute a warning for the organizational meeting. The warning shall give notice of the day, hour, and location of the meeting and shall itemize the business to be transacted.

(2) The Secretary of Education shall transmit the signed warning to the superintendent, who shall post the warning in at least one public place in each

town within the union school district and shall cause the warning to be published once in a newspaper of general circulation in the towns within the union school district. Posting and publication shall be made not more than 40 days nor less than 30 days before the date of the meeting.

(3) The union school district shall bear the cost of posting and publishing the warning.

(c) Business to be transacted.

(1) The Secretary or a person designated by the Secretary shall call the organizational meeting to order and the registered voters shall consider the following items of business:

(A) Elect a temporary presiding officer and a temporary clerk of the union school district from among the voters present at the organizational meeting.

(B) Adopt Robert's or other rules of order, which shall govern the parliamentary procedures of the organizational meeting and all subsequent meetings of the union school district.

(C) Elect a moderator of the union school district from among the voters.

(D) Elect a clerk of the union school district from among the voters or vote to authorize the school board to appoint a clerk of the union school district from among the voters.

(E) Elect a treasurer of the union school district or vote to authorize the school board to appoint a treasurer of the union school district. The treasurer may also be the supervisory union treasurer and need not be a resident of the union school district.

(F) Determine the date and location of the union school district's annual meeting, which shall be not earlier than February 1 nor later than June 1, if not previously determined by the voter-approved articles of agreement.

(G) Determine whether compensation shall be paid to the moderator, clerk, and treasurer of the union school district elected at the organizational meeting and at subsequent annual meetings of the union school district and, if so, the amount to be paid to them.

(H) Determine whether compensation shall be paid to members of the union school district board and, if so, the amount to be paid to them.

(I) Establish provisions for payment by the union school district of any expense incurred or to be incurred by or on behalf of the district for the period between the date on which the voters approved formation of the union school district and the first annual meeting of the union district.

(J) Determine whether to authorize the initial board of the union school district to borrow money pending receipt of payments from the Education Fund by the issuance of its note payable not later than one year

from the date of the note. Regardless of whether the voters provide this authorization, the initial board is authorized to borrow sufficient funds to meet pending obligations until the voters approve a budget for the initial year of operation pursuant to subdivision 716(b)(3) of this chapter.

(K) Transact any other business, the subject matter of which has been included in the warning, that the voters have power to transact at any annual or special meeting and transact any nonbinding business that may legally come before the voters.

(2) When there is only one nominee for temporary presiding officer, temporary clerk, moderator, district clerk, or district treasurer, the voters may, by acclamation, instruct an officer to elect the nominee by casting one ballot, and upon the ballot being cast, the nominee shall be legally elected and shall thereupon be sworn.

(3) The elected officers listed in subdivisions (1)(A) (temporary presiding officer and temporary clerk), (C) (moderator of the union school district), (D) (clerk of the union school district), and (E) (treasurer of the union school district) of this subsection shall be sworn in before entering upon the duties of their offices and a record made by the district clerk. They shall assume office upon being sworn in. The officers listed in subdivisions (1)(C), (D), and (E) of this subsection shall serve terms as set forth in section 735 (unified union school districts; officers) or 753 (union elementary and union

high school district; officers) of this chapter unless the voters extend the term length up to three years.

(4) Any member of the union school district board not sworn in before the organizational meeting pursuant to section 714 of this chapter may be sworn in at or after the organizational meeting.

Article 2. Transition; Dissolution, Reorganization, and Discontinuation of Forming Districts; Sale of Real Property; Supervisory Unions and Supervisory Districts

§ 716. TRANSITION TO FULL OPERATIONS

(a) Operational date. The operational date of a union school district is the July 1 next following the date on which the voters vote to approve formation of the district, unless the voter-approved articles of agreement establish a different date.

(b) Roles and authority during transitional period. During the transitional period:

(1) The forming districts, through their boards, shall continue to be responsible for the education of their respective resident students.

(2) The board of the new union school district shall develop school district policies; adopt curriculum, educational programs, assessment measures, and reporting procedures; negotiate and enter into contractual agreements; negotiate and enter into collective bargaining agreements; set the

school calendar for the fiscal year that begins on the operational date; prepare and present to the voters the proposed budget for the fiscal year that begins on the operational date; prepare for the annual and any special meetings of the new union school district that may occur during the transitional period; and transact any other lawful business coming before it.

(3) During the transitional period and continuing until the voters approve a budget for the initial fiscal year of operation, the board of the new union school district shall have the authority to borrow sufficient funds to meet pending obligations. The board shall vote whether to include the total sum borrowed under this subsection as education spending in the board's proposed budget for the initial fiscal year or to treat the sum as a deficit pursuant to 24 V.S.A. § 1523(b) (municipal and county government; duties of selectboards as to a deficit).

(c) Assets.

(1) Definition. For purposes of this subsection, the "assets" of a forming district shall include all real and personal property, operating fund accounts, special fund accounts, trust fund accounts, accounts receivable, and any other property to which the forming district holds title or over which it has control.

(2) Transfer and acquisition of title. On or before the operational date, the forming districts shall transfer and the union school district shall acquire

ownership of all assets of the forming districts that are owned by the forming districts on or before the June 30 immediately preceding the operational date, unless the voter-approved articles of agreement explicitly provide for an alternative disposition of a specific asset. The transfer of an asset shall be subject to all encumbrances and conditions of record, unless the voter-approved articles of agreement explicitly provide otherwise.

(3) Prohibition. A forming district shall not transfer ownership of an asset to any entity other than the union school district between the date on which the vote occurs pursuant to section 710 (vote to form union school district) of this chapter and the operational date unless explicitly authorized in the voter-approved articles of agreement or approved by the voters of the union school district during the transitional period.

(4) Trust funds. A union school district shall hold and apply all trust funds transferred to it by a forming district as the terms of the trust indicate. If the trust allows, a union school district may use the funds to benefit union school district students who reside, or buildings that are located, outside the geographical boundaries of the forming district that originally held the trust.

(5) Reserve funds. A union school district shall hold and apply all reserve funds transferred to it by a forming district pursuant to the conditions imposed prior to the date on which the forming district voted to approve formation of the union school district.

(d) Liabilities.

(1) Definition. For purposes of this subsection, the “liabilities” of a forming district shall include all contractual obligations, all indebtedness including principal and interest, and any other legal commitment of a forming district.

(2) Transfer and assumption of liabilities. On or before the operational date, the forming districts shall transfer and the union school district shall assume all liabilities of the forming districts that exist on the June 30 immediately preceding the operational date, unless the voter-approved articles of agreement explicitly provide otherwise.

(3) Prohibition. Notwithstanding the provisions of subdivision (2) of this subsection (d), a union school district shall not assume liabilities that a forming district incurs between the date on which the vote occurs pursuant to section 710 (vote to form union school district) of this chapter and the operational date unless explicitly authorized in the voter-approved articles of agreement or approved by the union school district board during the transitional period; provided, however, that a union school district shall in all cases assume the contractual obligations of the member districts regarding each collective bargaining agreement or other employment contract entered into during the transitional period until the agreement’s or contract’s expiration.

(e) Unpaid expenses. At the district's first annual meeting following assumption of full operations or at a later meeting as necessary, the voters of a new union school district shall vote a sum sufficient to pay any unpaid balance of expenses, as defined in subdivision 715(c)(1)(H) of this chapter, that was incurred by or on behalf of the union school district during the transitional period.

§ 717. DISSOLUTION, REORGANIZATION, AND DISCONTINUATION
OF FORMING DISTRICTS

(a) Unified union school district; dissolution of forming districts. On its operational date, a unified union school district shall supplant all forming districts and the forming districts shall cease to exist; provided, however, that if the voter-approved articles of agreement explicitly provide for it, then the supplanted forming districts and their boards may continue to exist for up to six months after the operational date for the sole purpose of completing any outstanding business that cannot legally be performed by the new unified union school district.

(b) Union Elementary and Union High School Districts.

(1) Reorganization of forming districts. On its operational date, a union elementary or union high school district shall supplant each forming district for the grades for which the union elementary or union high school district is organized (the supplanted grades). Each forming district shall cease to be

organized to provide for education in the supplanted grades but shall continue to be responsible for the other grades for which it is organized; provided, however, that if the voter-approved articles of agreement explicitly provide for it, then the forming districts and their boards may continue to exist for the supplanted grades for up to six months after the operational date for the sole purpose of completing any outstanding business that cannot legally be performed by the new union elementary or union high school district.

(2) Dissolution of forming districts. If a forming district is organized to provide for education solely in the grades for which the new union elementary or union high school district is organized and the forming district is a member district of another union school district for all other grades, prekindergarten through grade 12, then the forming district shall cease all educational operations on the new union district's operational date, the new union school district shall assume all powers and responsibilities of the forming district, and the forming district shall cease to exist; provided, however, that if the voter-approved articles of agreement explicitly provide for it, then the forming district and its board may continue to operate for up to six months after the operational date for the sole purpose of completing any outstanding business that cannot legally be performed by the new union elementary or union high school district.

§ 718. TRANSFER OF REAL PROPERTY TO TOWN IN WHICH IT IS

LOCATED

If the original voter-approved articles of agreement require sale of real property to the town in which the property is located and the sale is scheduled to occur after the operational date, or if after the operational date and after completing any statutory and contractual prerequisites the union school district offers to sell any of its real property to the town in which the property is located, then the town may assume title to the real property for a price that is less than the fair market value only as follows:

(1) The conveyance to the town shall be made subject to all encumbrances of record, the assumption or payment of all outstanding bonds and notes, and the repayment of any school construction aid or grants that may be required by law if any such obligation was incurred before the operational date.

(2) The conveyance to the town shall be conditioned upon the town owning and using the real property for community and public purposes for a minimum of five years.

(3) If the town sells the real property prior to five years of ownership, then the town shall compensate the union school district for all capital improvements and renovations initiated after the operational date and prior to the sale to the town.

§ 719. SUPERVISORY UNION; SUPERVISORY DISTRICT

(a) The State Board shall assign each union school district formed under this chapter to a supervisory union for administrative, educational, and planning services, effective on the day on which the union school district becomes a body politic and corporate pursuant to subsection 713(d) (Secretary of State records the certification of the Secretary of Education) of this chapter.

(b) If a union school district formed under this chapter is a unified union school district, then the State Board may designate it as a supervisory district pursuant to the provisions of this title, to be effective not earlier than the operational date of the unified union school district.

(c) If a supervisory union includes at least one district that is a unified union school district, then the State Board, on its own initiative or at the request of the board of the supervisory union or the board of one or more districts in the supervisory union, may at any time, adjust the supervisory union board representation required by section 266 of this title to more fairly and accurately reflect the relative number of students for which each district is responsible and the grades for which the district operates a school or schools.

Article 3. Changes in Union District Membership and

Other Amendments to Articles of Agreement

§ 721. JOINING AN EXISTING UNION SCHOOL DISTRICT

(a) Action initiated by district outside the union school district.

(1) After preliminary study, if the board of a school district determines that it would be advisable to join an existing union school district, then the board of the interested school district shall request approval of the State Board to pursue this possibility.

(2) If the State Board determines that it is in the best interests of the State, the students, and the districts involved and aligns with the policy set forth in section 701 of this title for the interested school district to join the existing union school district, then at a meeting of the interested school district warned for the purpose, the voters shall vote whether to apply to the existing union school district for admission.

(3) If the voters of the interested school district approve the proposal to apply to the union school district for admission, then the clerk of the interested school district shall certify the results of the vote to the Secretary and to the clerk of the union school district.

(4) If the voters of the union school district approve the application of the school district within two years after the vote in subdivision (2) of this subsection, then the clerk of the union school district shall certify the results of the vote to the Secretary.

(b) Action initiated by union school district.

(1) After preliminary study, if the board of a union school district determines that it would be advisable to enlarge the district, then the board of

the union school district shall submit a plan to the State Board requesting approval to incorporate a distinct school district into the union school district.

(2) If the State Board determines that it is in the best interests of the State, the students, and the districts involved and aligns with the policy set forth in section 701 of this title for the school district to join the existing union school district, then at a union school district meeting warned for the purpose, the voters shall vote whether to enlarge the union school district to include the school district.

(3) If the voters of the union school district approve the proposal to include the school district, then the clerk of the union school district shall certify the results of that vote to the Secretary and to the clerk of the school district.

(4) If the voters of the school district approve the offer to join the union school district within two years after the vote in subdivision (2) of this subsection, then the clerk of the school district shall certify the results of the vote to the Secretary.

(c) Certification; Secretary of State. Upon receipt of the clerk's certification pursuant to subdivision (a)(4) (school district application approval) or (b)(5) (school district approval of offer to join the union school district) of this section, the Secretary of Education shall designate the existing union school district to be enlarged pursuant to the votes and shall certify the

enlargement to the Secretary of State. When the Secretary of State records the certification of the Secretary of Education, the union school district shall be enlarged accordingly, although the union school district and the school district that will join it may decide in advance of the votes that the enlarged union school district shall have a later operational date. The Secretary of State shall file a certified copy of the recorded certification with the clerks of the union school district and of the district that is joining it. The Secretary of State shall file the certified copies not later than 14 days after the date the Secretary of Education certifies the designation to the Secretary of State. Filing a certified copy with each clerk shall be prima facie evidence of full compliance with the requirements for enlarging an existing union school district as set forth in this section.

(d) Powers and responsibilities. A union school district enlarged pursuant to this section shall have all the powers and responsibilities given to a union school district by this title. Unless otherwise approved by the voters of the union school district and the school district that will join it, if the operational date is delayed pursuant to an agreement under subsection (c) of this section, then the joining school district shall share in the expenses of the union school district beginning on the date the Secretary of State records the certification of the Secretary of Education.

(e) Australian ballot. All votes of the electorate under this section shall occur by Australian ballot.

§ 722. AMENDMENTS TO ARTICLES OF AGREEMENT

(a) The union school district voters. Only the voters of a union school district may amend a specific condition or agreement in the district's articles of agreement if the condition or agreement was set forth as a distinct subsection in the warning required by section 712 (warning on vote to establish union school district and elect initial members of the board) of this chapter to form the union school district or in a subsequent warning to amend the articles pursuant to this section, which the voters approved.

(b) The union school district board. The board of a union school district may amend a specific condition or agreement in the district's articles of agreement only if the condition or agreement was not set forth as a distinct subsection in a warning required in subsection (a) of this section, but was instead incorporated into the warning by reference pursuant subsection 712(e) of this chapter (warning on vote to establish union school district and elect initial members of the board), or if the original articles of agreement or voter-approved amendments authorize the board to amend a specific condition or agreement.

(c) Reduction of grades operated. Notwithstanding the provisions of subsection (a) (union school district voters) of this section, the voters shall not

vote whether to reduce the grades that the union school district operates, and to begin paying tuition for those grades, unless the State Board finds it is in the best interests of the State, the students, and the districts involved and aligns with the policy set-forth in section 701 of this title and gives prior approval to the proposed amendment.

(d) Number of board members. Notwithstanding the provisions of subsections (a) (union school district voters) and (b) (union school district board) of this section, if membership on a union school district board is proportional to town population as set forth in subdivisions 711(d)(1) (proposed unified union school district) and (e)(1) (proposed union elementary or union high school district) of this chapter, and if the district's articles of agreement direct the board to adjust board membership when necessary to conform to each new decennial census, then the board shall amend the articles to adjust the apportionment of board seats without presenting the amendment to the voters for approval.

(e) Districts created by State Board order. Notwithstanding the provisions of subsections (a) (union school district voters) and (b) (union school district board) of this section, the authority to amend the articles governing any union school district formed by the State Board's Final Report and Order issued on November 30, 2018 pursuant to 2015 Acts and Resolves No. 46, as amended, vests either with the electorate or the board pursuant to the provisions of

Article 14, as that article was issued by the State Board or subsequently amended by the voters of the union school district.

(f) Process. A vote by the voters of a union school district to amend the articles of agreement shall be by Australian ballot and shall proceed pursuant to sections 737 (warnings of unified union school district meetings) and 739–742 (vote by Australian ballot) of this chapter for unified union school districts and sections 755 (warnings of union elementary and union high school district meetings) and 757–759 (vote by Australian ballot) for union elementary and union high school districts. The warning shall contain each proposed amendment as a distinct question to be determined separately. The provisions of this subsection shall not apply to any issue to the extent that a different section of law provides a specific amendment procedure.

§ 723. DECISION TO VOTE BY AUSTRALIAN BALLOT

(a) If a union school district’s articles of agreement do not provide that the election of board members or district officers, budget votes, or votes on other public questions shall proceed by Australian ballot, then the voters of a union school district may vote to do so at any annual or special meeting of the union school district where the question has been duly warned.

(b) Any category of vote to be taken by Australian ballot shall proceed in this manner in all towns within or member districts of a union school district.

(c) If voting in a unified union school district proceeds by Australian ballot, then the provisions of sections 739–742 (vote by Australian ballot) of this chapter shall apply to all votes taken by Australian ballot.

(d) If voting in a union elementary or union high school district proceeds by Australian ballot, then the voters shall also determine whether the ballots shall be commingled prior to counting total votes cast by Australian ballot in the union district.

(1) If the voters determine that the ballots shall not be commingled for counting in this manner, then the board of civil authority of each town within the union elementary or union high school district shall count the ballots cast in that town and report that town's results to the clerk of the union elementary or union high school district, who shall calculate the total votes cast within the district and report the total result to the public.

(2) If the voters determine that the ballots shall be commingled for counting, then the ballots shall be deposited in separate ballot boxes at each polling location and the provisions of sections 757–759 (vote by Australian ballot) of this chapter shall apply.

(e) The vote on whether to proceed by Australian ballot shall be taken by paper ballot.

(f) Unless clearly inconsistent, the provisions of 17 V.S.A. chapter 55 shall apply to actions taken under this section.

§ 724. WITHDRAWAL FROM OR DISSOLUTION OF A UNIFIED

UNION SCHOOL DISTRICT

(a) Definition. As used in this section, “petitioning town” means the town within a unified union school district that seeks to withdraw from the union district pursuant to the provisions of this section.

(b) Withdrawal study committee.

(1) To initiate the process set forth in this section, the voters residing in the petitioning town shall submit petitions to the clerk of the unified union school district indicating the petitioners’ desire to withdraw the petitioning town from the union district. Individual petitions shall be signed by at least five percent of the voters residing in each of the towns within the union school district, with each town having its own petition. The petitioners shall submit each petition to that town’s town clerk for verification of the voting registration status of the signors. On a form created by the Secretary of State’s Office, and appended to each petition, shall be the names of three voters residing in the petitioning town to serve on a withdrawal study committee and a signed statement by each of the three named voters consenting to serve. Once each petition has been verified by the subject town clerk, the petitioners shall submit the petitions to the clerk of the unified union school district.

(2) Within 30 days after receiving the petition, the board of the union district shall recognize the creation of the withdrawal study committee and

shall appoint a board subcommittee to serve as a liaison between the board and the withdrawal study committee and to represent the interests of the union district.

(3) Within 30 days after the board's appointment of the liaison subcommittee, the superintendent of the union district shall convene the first formal meeting of the withdrawal study committee. The study committee shall elect one committee member to serve as chair.

(4) Before beginning any analysis under subsection (c) of this section or seeking technical or analytical services from the union district staff or supervisory union staff, or both, the withdrawal study committee shall obtain a letter of commitment from a supervisory union board to explore the provision of supervisory union services if withdrawal is ultimately approved.

(5) The withdrawal study committee is a public body pursuant to 1 V.S.A. § 310(4) and is subject to the requirements of chapter 5, subchapter 2 of that title.

(c) Analysis. The withdrawal study committee shall evaluate the strengths and challenges of the current union district structure and consider the ways in which the union district promotes or fails to promote the State policy set forth in section 701 of this chapter. At a minimum, the withdrawal study committee shall evaluate:

(1) the educational advantages and disadvantages likely to result from the proposed withdrawal of the petitioning town from the union district:

(A) on the students residing in the proposed new school district; and

(B) on the students remaining in the union district if withdrawal is approved;

(2) the educational advantages and disadvantages likely to result from the continued inclusion of the petitioning town as a town within the union district:

(A) on the students residing in the petitioning town; and

(B) on the students residing in the other towns within the union district;

(3) the financial advantages and disadvantages likely to result from the proposed withdrawal of the petitioning town from the union district:

(A) on the taxpayers residing in the proposed new school district;

and

(B) on the taxpayers remaining in the union district if withdrawal is approved;

(4) the financial advantages and disadvantages likely to result from the continued inclusion of the petitioning town as a town within the union district:

(A) on the taxpayers residing in the petitioning town; and

(B) on the taxpayers residing in the other towns within the union district;

(5) the likely operational and financial viability and sustainability of:

(A) the proposed new school district; and

(B) the union district if withdrawal is approved;

(6) any other advantages and disadvantages of withdrawal, including any advantages and disadvantages to the students and taxpayers of the region and the State; and

(7) the potential source of supervisory union services for the proposed new school district, including discussions with the board of any supervisory union to which the report of the withdrawal study committee might propose assignment.

(d) Report, including a plan for withdrawal; decision not to prepare report.

(1) Report supporting withdrawal.

(A) If, after conducting the analysis required by subsection (c) of this section, the withdrawal study committee votes to advance the withdrawal process as further outlined in this section, then the committee shall prepare a report, which it shall deliver electronically to the union district board and which the superintendent shall publish on the district's website.

(B) At a minimum, the report shall include:

(i) the analysis conducted pursuant to subsection (c) of this section, describing the ways in which the data and analysis:

(I) support withdrawal; and

(II) do not support the continuation of the union district in its current configuration;

(ii) the proposed financial terms of withdrawal, including the proposed ownership of buildings and other assets and the proposed responsibility for financial and other contractual obligations, including debts;

(iii) a plan, including a detailed timeline, for the actions the proposed new school district would take to ensure that, on a proposed operational date, it could provide for the education of its students in prekindergarten through grade 12 by operating all grades, tuitioning all grades, or operating some grades and tuitioning the remainder; in a manner that will meet educational quality standards as required by section 165 of this title, and including, if applicable, the process by which the proposed new school district would explore formation of a new union school district with one or more other school districts in the region and would integrate or condition any votes to withdraw with votes on formation of a new union district; and

(iv) a proposal, including analysis, for the potential source of supervisory union services for the proposed new school district, including, if applicable to the proposal:

(I) a recommendation of one or more potential supervisory unions to which the State Board could assign the proposed new school district;
and

(II) a statement from the board of the potential supervisory union or unions regarding the ability and willingness to accept the proposed new school district as a member district.

(C) Within 45 days following receipt of the withdrawal study committee report, the union district board shall invite the members of the withdrawal study committee to attend a regularly scheduled meeting of the board to present the contents of its report and to answer any questions posed by the board. The board shall also invite the members of the liaison subcommittee to share any analysis and conclusions at the meeting. The withdrawal study committee has sole authority to determine the contents of its report.

(2) Decision not to propose withdrawal. If, after conducting the analysis required by subsection (c) of this section, the withdrawal study committee votes not to approve advancement of the withdrawal process, then:

(A) the withdrawal study committee shall prepare a brief written statement explaining the reasons underlying the votes supporting and not supporting advancement, which it shall deliver electronically to the union

district board and which the superintendent shall publish on the district's website;

(B) within 45 days following receipt of the withdrawal study committee report, the union district board shall invite the members of the withdrawal study committee to attend a regularly scheduled meeting of the board to present the contents of the written statement and to answer any questions posed by the board; and

(C) the withdrawal study committee shall cease to exist upon adjournment of the union district board's meeting.

(e) Secretary and State Board.

(1) Secretary. If the study committee voted to proceed pursuant to subdivision (d)(1) of this section, then within 30 days after attending the union district board meeting pursuant to subdivision (d)(1)(C) of this section, it shall deliver its report electronically to the Secretary for review. The liaison subcommittee may also submit a report outlining its analysis and conclusions. The Secretary shall submit the report or reports, with recommendations, to the State Board.

(2) State Board review. The State Board:

(A) shall consider the report or reports and the Secretary's recommendations;

(B) shall provide representatives of the withdrawal study committee and the liaison subcommittee an opportunity to be heard;

(C) may, in its discretion, take testimony from other individuals and entities;

(D) may ask the Secretary, the withdrawal study committee, or the liaison subcommittee to make further investigation and may consider any other information the State Board deems to be pertinent; and

(E) may request the members of the withdrawal study committee to amend the report.

(3) State Board action.

(A) Advisory opinion with positive recommendation. If the State Board finds that the withdrawal proposal contained in the report, including the most feasible options for the provision of supervisory union services to the proposed new school district, is in the best interests of the State, the region, the students, and the school districts and aligns with the policy set forth in section 701 of this title, then within 90 days after receiving the report of the study committee the State Board shall:

(i) issue an opinion recommending approval of the withdrawal proposal;

(ii) provide a preliminary assessment of most feasible options for the provision of supervisory union services to the proposed new school district if withdrawal is approved by the voters; and

(iii) make any other finding or declaration, and approve any other motion, related and necessary to the withdrawal proposal.

(B) Advisory opinion with negative recommendation. If the State Board finds that the withdrawal proposal contained in the report, including the most feasible options for the provision of supervisory union services to the proposed new school district, is not in the best interests of the State, the region, the students, and the school districts or does not align with the policy set forth in section 701 of this title, or both, then within 90 days after receiving the report of the study committee the State Board shall:

(i) issue an opinion recommending disapproval of the withdrawal proposal, including a written statement detailing the reasons supporting this conclusion;

(ii) provide a preliminary assessment of most feasible options for the provision of supervisory union services to the proposed new school district if withdrawal is approved by the voters; and

(iii) make any other finding or declaration and approve any other motion related and necessary to the withdrawal proposal.

(f) Vote of the electorate.

(1) Vote following positive recommendation of the State Board.

(A) Within 30 days after receipt of the State Board's written recommendation, the superintendent shall file the withdrawal study committee's report, the State Board's written recommendation, and any report of the liaison subcommittee with the clerk of the union district and the town clerk of each town within the union district.

(B) Within 90 days after the clerk of the union district receiving the reports and recommendations described in subdivision (A) of this subsection, the voters of the union district, including those residing in the petitioning town, shall vote whether to approve withdrawal as set forth in the report. The question shall be determined by Australian ballot and shall proceed pursuant to sections 737 (warnings of unified union school district meetings) and 739–741 (vote by Australian ballot) of this chapter. The ballots shall not be commingled.

(C) Withdrawal from the union district shall occur if the question is approved by a majority vote of the union district voters living in each town within the district, including the petitioning town. If a majority of the voters in one or more towns within the union district do not vote in favor of withdrawal, then the proposed withdrawal shall not occur.

(D) Within 45 days after the vote or 15 days after a vote to reconsider the original vote under 17 V.S.A. § 2661, whichever is later, the

clerk of each town within the union district shall certify the results of the vote to the Secretary of Education, and the Secretary shall advise the State Board of the certified results. Each clerk shall submit the certification regardless of whether the voters in that town approved withdrawal. The withdrawal study committee shall cease to exist when each clerk has submitted a certification to the Secretary.

(2) Vote following negative recommendation of the State Board.

(A) The superintendent shall file the withdrawal study committee's report, the State Board's written recommendation, and any report of the liaison subcommittee with the clerk of the union district and with the town clerk of each town within the union district.

(B) The union district voters residing in the petitioning town shall vote whether to withdraw from the union district pursuant to the terms set forth in the report.

(i) The question shall be determined by Australian ballot and shall proceed pursuant to sections 737 (warnings of unified union school district meetings) and 739–741 (vote by Australian ballot) of this chapter.

(ii) The withdrawal proposal shall proceed to a vote in each of the other towns within the union district only if approved by a majority of the union district voters residing in the petitioning town present and voting yes or no on the warned question. If a majority of the voters in the petitioning town

do not vote in favor of withdrawal, then the proposed withdrawal shall not occur.

(C) Within 45 days after the vote in subdivision (B) of this subdivision (f)(2) or 15 days after a vote to reconsider the original vote under 17 V.S.A. § 2661, whichever is later, the clerk of the petitioning town shall certify the results of the vote to the Secretary of State who shall record the certificate and give notice of the vote to the clerk of the union district, the clerks of each of the other towns within the union district, and the Secretary of Education. The clerk of the petitioning town shall submit the certification regardless of whether the voters in the petitioning town approved withdrawal. The withdrawal study committee shall cease to exist upon submission of the certification.

(D) If the union district voters residing in the petitioning town approve the withdrawal proposal pursuant to subdivision (B) of this subdivision (f)(2), then, within 90 days after receiving notice of the certification as required in subdivision (C) of this subdivision (f)(2), the voters of the union district residing in each of the other towns shall vote on the same day whether to approve withdrawal of the petitioning town as set forth in the final report.

(i) The question shall be determined by Australian ballot and shall proceed pursuant to sections 737 (warnings of unified union school district

meetings) and 739–741 (vote by Australian ballot) of this chapter. The ballots shall not be commingled.

(ii) Withdrawal from the union district shall occur if the question is approved by a majority vote of the union district voters living in each of the other towns within the union district. If a majority of the voters in one or more towns within the union district do not vote in favor of withdrawal, then the proposed withdrawal shall not occur.

(E) Within 45 days after the vote in subdivision (D) of this subdivision (f)(2) or 15 days after a vote to reconsider the original vote under 17 V.S.A. § 2661, whichever is later, the clerk of each of the other towns within the union district shall certify the results of the vote to the Secretary of Education, and the Secretary shall advise the State Board of the certified results. Each clerk shall submit the certification regardless of whether the voters in that town approved withdrawal. The withdrawal study committee shall cease to exist when each clerk has submitted a certification to the Secretary.

(g) Election of potential board members. On the day on which they vote whether to approve withdrawal, the union district voters residing in the petitioning town shall also vote for three individual registered voters from the petitioning town to serve as the initial members of the proposed new school district's board if withdrawal is approved. The nomination and election of the

initial members shall proceed pursuant to subdivision 730(a)(1) of this chapter (election of board members under the proportional to town model by Australian ballot). The term of office for each initial member shall be arranged so that one term expires on the day of the second annual meeting of the proposed new school district, one term expires on the day of the third annual meeting, and one term expires on the day of the fourth annual meeting.

(h) State Board's duties if withdrawal is approved. If the union district voters approve withdrawal pursuant to subsection (f) of this section, then upon receiving notice from the Secretary pursuant to subdivision (f)(1)(D) or (f)(2)(E) of this section, the State Board shall:

(1) Declare the withdrawal approved as of the date of the Board's meeting; provided, however, that withdrawal shall not be final until the date identified in the voter-approved proposal of withdrawal.

(2) Declare the creation and existence of the new school district, effective on the date of the Board's declaration; provided, however, that:

(A) the new school district shall assume full and sole responsibility for the education of its resident students on the date identified in the voter-approved proposal of withdrawal; and

(B) until the identified operational date, the new school district shall exist for the sole purposes of:

(i) convening an organizational meeting of the voters of the new school district to prepare the district to assume its responsibilities;

(ii) organizing the school board of the new school district, which shall be responsible for preparing a proposed budget for the fiscal year beginning on the identified operational date;

(iii) approving the budget of the new school district for the fiscal year beginning on the identified operational date; and

(iv) taking any other actions necessary, as district voters or as a school board, for the new school district to assume full responsibility for providing for the education of the district's resident students in all grades, prekindergarten through grade 12, on the identified operational date.

(3) Determine or set a schedule for determining the manner in which supervisory union services will be provided to the new school district, to be effective on the district's identified operational date.

(A) In addition to the considerations set forth in section 261 of this title, when the State Board makes its determination, it shall consider the potential positive and negative consequences on all affected districts and supervisory unions if supervisory union services were provided to the new school district in a manner that required:

(i) a union district serving as its own supervisory district to become a member of a multidistrict supervisory union; or

(ii) a neighboring supervisory union to accept one or more additional districts that the supervisory union testifies it is not able to accommodate.

(B) If assigned to a multidistrict supervisory union, then the board of the new school district may appoint its members to the supervisory union board pursuant to section 266 of this title, where they may participate as nonvoting members of that board until the new school district's operational date.

(i) Certification; Secretary of State. If the State Board declares the creation and existence of a new school district pursuant to subdivision (h)(2) of this section, then within 30 days following such action the Secretary of Education shall certify the adjustment of the towns within the union district to the Secretary of State. When the Secretary of State records the certification of the Secretary of Education, the towns within the union district shall be adjusted accordingly; provided, however, that the voter-approved proposal of withdrawal shall establish the date on which withdrawal shall be final, the new school district shall assume full and sole responsibility for the education of its resident students, and the union school district shall no longer have responsibility for the education of those students. Not more than 14 days after the date the Secretary of Education certifies the adjustment, the Secretary of State shall file a certified copy of the recorded certification with the clerk of

the union district and the clerk for the town in which the new school district is located. Filing a certified copy with the clerks shall be prima facie evidence of full compliance with the requirements for adjusting the union school district by withdrawal as set forth in this section.

(j) Timing of action.

(1) The voters residing in any town within a union district shall not initiate the withdrawal process set forth in this section within the first year after the latter of the operational date of a newly formed union district or, if applicable, the operational date of a union district adjusted pursuant to subsection (i) of this section.

(2) If a petitioning town's action to withdraw from a union school district is unsuccessful, then the voters residing in that town shall not initiate a new withdrawal action under this section until two years after either a withdrawal study committee votes not to approve advancement of the withdrawal process or the vote by the voters that concluded the initial withdrawal action.

§ 725. WITHDRAWAL FROM OR DISSOLUTION OF A

UNION ELEMENTARY OR UNION HIGH SCHOOL DISTRICT

(a) Definitions. As used in this section:

(1) "Petitioning district" means:

(A) a member district of a union elementary or union high school district that seeks to withdraw from the union district pursuant to the provisions of this section; or

(B) a town that is a member of both a union elementary school district and a union high school district, is not independently organized as a district that is responsible for the education of students in any grade, does not have a town school district board, and that seeks to withdraw from a union elementary or union high school district pursuant to the provisions of this section.

(2) “New school district” means the petitioning district once the State Board has declared it to be withdrawn from the union elementary or union high school district.

(b) Withdrawal study committee.

(1) To initiate the process set forth in this section, the board of the petitioning district shall submit a petition to the clerk of the union elementary or union high school district indicating its desire to withdraw the petitioning district from the union district and identifying at least three board members of the petitioning district who will serve on a withdrawal study committee. The board of the petitioning district shall submit the petition to the clerk of the union school district after either a vote by the board of the petitioning district or receipt of individual petitions signed by at least five percent of the voters

residing in the petitioning district and five percent of the voters residing in each of the other member districts within the union school district, with each member district having its own petition. The clerk of the petitioning district shall submit each petition to the subject member district's clerk for verification of the voting registration of the signors. Once each petition has been verified by the subject district clerk, the board of the petitioning district shall append the individual petitions to the withdrawal petition it sends to the clerk of the union district.

(2) To initiate the process set forth in this section if the petitioning district does not have a town school district board, the voters residing in the petitioning district shall submit petitions to the clerk of the unified union school district indicating the petitioners' desire to withdraw the petitioning district from the union district. Individual petitions shall be signed by at least five percent of the voters residing in the petitioning district and five percent of the voters residing in each of the member districts within the union school district, with each district having its own petition. The petitioning district shall submit each petition to that district's clerk for verification of the voting registration status of the signors. On a form created by the Secretary of State's Office, and appended to each petition, shall be the names of three voters residing in the petitioning district to serve on a withdrawal study committee and a signed statement by each of the three named voters consenting to serve.

Once each petition has been verified by the subject district clerk, the petitioning district shall submit the petitions to the clerk of the union school district.

(3) Within 30 days after receiving the petition, the board of the union district shall recognize the creation of the withdrawal study committee and shall appoint a board subcommittee to serve as a liaison between the board and the withdrawal study committee and to represent the interests of the union district.

(4) Within 30 days after the board's appointment of the liaison subcommittee, the superintendent of the union district shall convene the first formal meeting of the withdrawal study committee. The study committee shall elect one committee member to serve as Chair.

(5) Before beginning any analysis under subsection (c) of this section or seeking technical or analytical services from the union district staff or supervisory union staff, or both, the withdrawal study committee shall obtain a letter of commitment from a supervisory union board to explore the provision of supervisory union services if withdrawal is ultimately approved.

(6) The withdrawal study committee is a public body pursuant to 1 V.S.A. § 310(4) and is subject to the requirements of chapter 5, subchapter 2 of that title.

(c) Analysis. The withdrawal study committee shall evaluate the strengths and challenges of the current union district structure and consider the ways in which the union district promotes or fails to promote the State policy set forth in section 701 of this chapter. At a minimum, the withdrawal study committee shall evaluate:

(1) the educational advantages and disadvantages likely to result from the proposed withdrawal of the petitioning district from the union elementary or union high school district:

(A) on the students residing in the proposed new school district; and

(B) on the students remaining in the union district if withdrawal is approved;

(2) the educational advantages and disadvantages likely to result from the continued inclusion of the petitioning district as a member district of the union elementary or union high school district:

(A) on the students residing in the petitioning district; and

(B) on the students residing in the other member districts of the union district;

(3) the financial advantages and disadvantages likely to result from the proposed withdrawal of the petitioning district from the union elementary or union high school district:

- (A) on the taxpayers residing in the proposed new school district;
- and
- (B) on the taxpayers remaining in the union district if withdrawal is approved;
- (4) the financial advantages and disadvantages likely to result from the continued inclusion of the petitioning district within the union elementary or union high school district:
- (A) on the taxpayers residing in the petitioning district; and
- (B) on the taxpayers residing in the other member districts within the union district;
- (5) the likely operational and financial viability and sustainability of:
- (A) the proposed new school district; and
- (B) the union elementary or union high school district if withdrawal is approved;
- (6) any other advantages and disadvantages of withdrawal, including any advantages and disadvantages to the students and taxpayers of the region and the State; and
- (7) the potential source of supervisory union services for the proposed new district, including discussions with the board of any supervisory union to which the report of the withdrawal study committee might propose assignment or the continuation of assignment.

(d) Report, including a plan for withdrawal; decision not to prepare report.

(1) Report supporting withdrawal.

(A) If, after conducting the analysis required by subsection (c) of this section, the withdrawal study committee votes to advance the withdrawal process as further outlined in this section, then the committee shall prepare a report, which it shall deliver electronically to the union district board and which the superintendent shall publish on the district's website.

(B) At a minimum, the report shall include:

(i) the analysis conducted pursuant to subsection (c) of this section, describing the ways in which the data and analysis:

(I) support withdrawal; and

(II) do not support the continuation of the union elementary or union high school district in its current configuration;

(ii) the proposed financial terms of withdrawal, including the proposed ownership of buildings and other assets and the proposed responsibility for financial and other contractual obligations, including debts;

(iii) a plan, including a detailed timeline, for the actions the proposed new school district would take to ensure that, on the proposed operational date, it could provide for the education of its students in the grades for which the union elementary or union high school district is organized, in a manner that will meet educational quality standards as required by section 165

of this title, and including, if applicable, the process by which the proposed new school district would explore formation of a new union district with one or more other school districts in the region and would integrate or condition any votes to withdraw with votes on formation of a new union district; and

(iv) a proposal, including analysis, for the source of supervisory union services for the proposed new school district.

(C) Within 45 days following receipt of the study committee report, the union elementary or union high school district board shall invite the members of the withdrawal study committee to attend a regularly scheduled meeting of the board to present the contents of its report and to answer any questions posed by the board. The board shall also invite the members of the liaison subcommittee to share any analysis and conclusions at the meeting. The withdrawal study committee has sole authority to determine the contents of its report.

(2) Decision not to propose withdrawal. If, after conducting the analysis required by subsection (c) of this section, the withdrawal study committee votes not to approve advancement of the withdrawal process, then:

(A) the withdrawal study committee shall prepare a brief written statement explaining the reasons underlying the votes supporting and not supporting advancement, which it shall deliver electronically to the union

district board and which the superintendent shall publish on the district's website;

(B) within 45 days following receipt of the study committee report, the union elementary or union high school district board shall invite the members of the withdrawal study committee to attend a regularly scheduled meeting of the board to present the contents of the written statement and to answer any questions posed by the board; and

(C) the withdrawal study committee shall cease to exist upon adjournment of the union elementary or union high school district board's meeting.

(e) Secretary and State Board.

(1) Secretary. If the study committee voted to proceed pursuant to subdivision (d)(1) of this section, then within 30 days after attending the union district board meeting pursuant to subdivision (d)(1)(C) of this section, it shall deliver its report electronically to the Secretary for review. The liaison subcommittee may also submit a report outlining its analysis and conclusions. The Secretary shall submit the report or reports, with recommendations, to the State Board.

(2) State Board review. The State Board:

(A) shall consider the report or reports and the Secretary's recommendations;

(B) shall provide representatives of the withdrawal study committee and the liaison subcommittee an opportunity to be heard;

(C) may, in its discretion, take testimony from other individuals and entities;

(D) may ask the Secretary, the withdrawal study committee, or the liaison subcommittee to make further investigation and may consider any other information the State Board deems to be pertinent; and

(E) may request the members of the withdrawal study committee to amend the report.

(3) State Board action.

(A) Advisory opinion with positive recommendation. If the State Board finds that the withdrawal proposal contained in the report is in the best interests of the State, the region, the students, and the school districts, and aligns with the policy set forth in section 701 of this title, then within 90 days after receiving the report of the study committee the State Board shall:

(i) issue an opinion recommending approval of the withdrawal proposal;

(ii) provide a preliminary assessment of the source of supervisory union services to the proposed new school district if withdrawal is approved by the voters; and

(iii) make any other finding or declaration, and approve any other motion, related and necessary to the withdrawal proposal.

(B) Advisory opinion with negative recommendation. If the State Board finds that the withdrawal proposal contained in the report is not in the best interests of the State, the region, the students, and the school districts or does not align with the policy set forth in section 701 of this title, or both, then within 90 days after receiving the report of the study committee, the State Board shall:

(i) issue an opinion recommending disapproval of the withdrawal proposal, including a written statement detailing the reasons supporting this conclusion;

(ii) provide a preliminary assessment of the source supervisory union services to the proposed new school district if withdrawal is approved by the voters; and

(iii) make any other finding or declaration, and approve any other motion, related and necessary to the withdrawal proposal.

(f) Vote of the electorate.

(1) Vote following positive recommendation of the State Board.

(A) Within 30 days after receipt of the State Board's written recommendation, the superintendent shall file the withdrawal study committee's report, the State Board's written recommendation, and any report

of the liaison subcommittee with the clerk of the union elementary or union high school district and the district clerk of each of the member districts within the union elementary or union high school district.

(B) Within 90 days after the clerk of the union district receiving the reports and recommendations described in subdivision (A) of this subdivision (f)(1), the voters of the union elementary or union high school district, including those residing in the petitioning district, shall vote whether to approve withdrawal as set forth in the report. The question shall be determined by Australian ballot and shall proceed pursuant to sections 755 (warnings of union elementary and union high school district meetings) and 757–759 (vote by Australian ballot) of this chapter.

(C) Withdrawal from the union elementary or union high school district shall occur if the question is approved by a majority vote of the union district voters living in each of the member districts within the union elementary or union high school district, including in the petitioning district. If a majority of the voters in one or more member districts within the union elementary or union high school district do not vote in favor of withdrawal, then the proposed withdrawal shall not occur.

(D) Within 45 days after the vote or 15 days after a vote to reconsider the original vote under 17 V.S.A. § 2661, whichever is later, the clerk of each member district within the union elementary or union high school

district shall certify the results of the vote to the Secretary of Education, and the Secretary shall advise the State Board of the certified results. Each clerk shall submit the certification regardless of whether the voters in that district approved withdrawal. The withdrawal study committee shall cease to exist when each clerk has submitted a certification to the Secretary.

(E) If the petitioning district or one of the other member districts does not have a town school district board, the legislative body or appropriate officer of the town shall perform electoral functions, including warning meetings and conducting the voting process, ordinarily performed by and in member districts on behalf of a union school district.

(2) Vote following negative recommendation of the State Board.

(A) The superintendent shall file the withdrawal study committee's report, the State Board's written recommendation, and any report of the liaison subcommittee with the clerk of the union elementary or union high school district and the district clerk of each of the member districts within the union elementary or union high school district.

(B) The union district voters residing in the petitioning district shall vote whether to withdraw from the union elementary or union high school district pursuant to the terms set forth in the report.

(i) The question shall be determined by Australian ballot and shall proceed pursuant to sections 755 (warnings of union elementary and union

high school district meetings) and 757–759 (vote by Australian ballot) of this chapter.

(ii) The withdrawal proposal shall proceed to a vote in each of the other member districts within the union elementary or union high school district only if approved by a majority of the union district voters residing in the petitioning district present and voting yes or no on the warned question. If a majority of the voters in the petitioning district do not vote in favor of withdrawal, then the proposed withdrawal shall not occur.

(C) Within 45 days after the vote in subdivision (B) of this subdivision (f)(2) or 15 days after a vote to reconsider the original vote under 17 V.S.A. § 2661, whichever is later, the clerk of the petitioning district shall certify the results of the vote to the Secretary of State who shall record the certificate and give notice of the vote to the clerk of the union elementary or union high district, the clerks of each of the other member districts within the union district, and the Secretary of Education. The clerk of the petitioning district shall submit the certification regardless of whether the voters in the petitioning district approved withdrawal. The withdrawal study committee shall cease to exist upon submission of the certification.

(D) If the union elementary or union high school district voters residing in the petitioning district approve the withdrawal proposal pursuant to subdivision (B) of this subdivision (f)(2), then, within 90 days after receiving

notice of the certification as required in subdivision (C) of this subdivision (f)(2), the voters of the union elementary or union high school district residing in each of the other member districts shall vote on the same day whether to approve withdrawal of the petitioning district as set forth in the final report.

(i) The question shall be determined by Australian ballot and shall proceed pursuant to sections 755 (warnings of union elementary and union high school district meetings) and 757–759 (vote by Australian ballot) of this chapter.

(ii) Withdrawal from the union elementary or union high school district shall occur if the question is approved by a majority vote of the union district voters living in each of the other member districts within the union elementary or union high school district. If a majority of the voters living in one or more member districts within the union district do not vote in favor of withdrawal, then the proposed withdrawal shall not occur.

(E) Within 45 days after the vote in subdivision (D) of this subdivision (f)(2) or 15 days after a vote to reconsider the original vote under 17 V.S.A. § 2661, whichever is later, the clerk of each of the other member districts within the union elementary or union high school district shall certify the results of the vote to the Secretary of Education, and the Secretary shall advise the State Board of the certified results. Each clerk shall submit the certification regardless of whether the voters in that member district approved

withdrawal. The withdrawal study committee shall cease to exist when each clerk has submitted a certification to the Secretary.

(F) If the petitioning district or one of the other member districts does not have a town school district board, the legislative body or appropriate officer of the town shall perform electoral functions, including warning meetings and conducting the voting process, ordinarily performed by and in member districts on behalf of a union school district.

(g) Election of potential board members. If the petitioning district does not have a town school district board, on the day on which they vote whether to approve withdrawal, the union district voters residing in the petitioning school district shall also vote for three individual registered voters from the petitioning district to serve as the initial members of the proposed new school district's board if withdrawal is approved. The nomination and election of the initial members shall proceed pursuant to subdivision 748(a)(1) of this chapter (election of board members under the proportional to town model by Australian ballot). The term of office for each initial member shall be arranged so that one term expires on the day of the second annual meeting of the proposed new school district, one term expires on the day of the third annual meeting, and one term expires on the day of the fourth annual meeting.

(h) State Board's duties if withdrawal is approved. If the union elementary or union high school district voters approve withdrawal pursuant to subsection

(f) of this section, then upon receiving notice from the Secretary pursuant to subdivision (f)(1)(D) or (f)(2)(E) of this section, the State Board shall:

(1) declare the withdrawal approved as of the date of the Board's meeting; provided, however, that withdrawal shall not be final until the date identified in the voter-approved proposal of withdrawal;

(2) declare it to be the obligation of the new school district to assume responsibility for the education of its residents in the grades for which the union elementary or union high school district was previously responsible, effective on the date of the Board's declaration; provided, however, that:

(A) the new school district shall assume full and sole responsibility for the education of its resident students in the grades for which the union elementary or union high school district was previously responsible on the date identified in the voter-approved proposal of withdrawal; and

(B) until the identified operational date, the new school district shall exist for the sole purposes of:

(i) providing for the education of its residents in the grades for which it was organized prior to withdrawal;

(ii) convening an organizational meeting of the voters of the new school district to prepare the district to assume its new responsibilities if the petitioning district did not have a town school district board;

(iii) organizing the school board of the new school district if the petitioning district did not have a town school district board;

(iv) preparing a proposed budget for the fiscal year beginning on the identified operational date;

(v) approving the budget of the new school district for the fiscal year beginning on the identified operational date; and

(vi) taking any other actions necessary, as district voters or as a school board, for the new school district to assume full responsibility for providing for the education of the district's resident students in the grades it is now organized to provide for, on the identified operational date; and

(3) ensure a smooth transition of supervisory services, to be effective on the district's identified operational date.

(i) Certification; Secretary of State. If the State Board declares it to be the obligation of the new school district pursuant to subdivision (h)(2) of this section to provide for the education of resident students who were formerly the responsibility of the union elementary or union high school district, then within 30 days following such action the Secretary of Education shall certify the adjustment of the member districts within the union elementary or union high school district to the Secretary of State. When the Secretary of State records the certification of the Secretary of Education, the member districts within the union elementary or union high school district shall be adjusted accordingly;

provided, however, that the voter-approved proposal of withdrawal shall establish the date on which withdrawal shall be final, the new school district shall assume full and sole responsibility for the education of its residents in the grades for which it is now organized, and the union school district shall no longer have responsibility for the education of those students. Not more than 14 days after the date the Secretary of Education certifies the adjustment, the Secretary of State shall file a certified copy of the recorded certification with the clerk of the union elementary or union school district and the clerk for new school district. Filing a certified copy with the clerks shall be prima facie evidence of full compliance with the requirements for adjusting the union school district by withdrawal as set forth in this section.

(j) Timing of action.

(1) The voters residing in any member district within a union elementary or union high school district shall not initiate the withdrawal process set forth in this section within the first year after the latter of the operational date of a newly formed union elementary or union high school district or, if applicable, the operational date of a union elementary or union high school district adjusted pursuant to subsection (h) of this section.

(2) If a petitioning district's action to withdraw from a union elementary or union high school district is unsuccessful, then the voters residing in that member district shall not initiate a new withdrawal action under this section

until two years after either a withdrawal study committee votes not to approve advancement of the withdrawal process or the vote by the voters that concluded the initial withdrawal action.

Subchapter 3. Unified Union School Districts

Article 1. Unified Union School Districts – Boards and Board Members

§ 729. BOARD MEMBERS; TERM; CONDUCT OF MEETINGS;

QUORUM AND VOTING; POWERS AND DUTIES

(a) Members. Except as set forth in subchapter 2 (exploration, formation, and organization) of this chapter for initial members, each member of the board of a unified union school district shall:

(1) be elected by the voters at a warned meeting of the unified union school district pursuant to sections 730 (nomination and election of unified union school district board members) and 737 (warnings of unified union school district meetings) of this title;

(2) assume office upon election, except as provided in subdivision 737(f)(3) (warnings of unified union school district meetings) of this chapter;
and

(3) be sworn in before entering upon the duties of the office.

(b) Term. A member elected at an annual meeting shall serve for a term of three years or until the member's successor is elected and has taken the oath of

office. A member elected at a special meeting shall serve for the balance of the term of office remaining.

(c) Quorum. A majority of the members of the board shall constitute a quorum. Subject to the provisions of subsection (d) of this section but notwithstanding any other provision of law, the concurrence of a majority of members present at a unified union school district board meeting shall be necessary and sufficient for board action; provided, however, the concurrence of more than a majority shall be necessary if required for a particular action by the voter-approved articles of agreement.

(d) Weighted voting. If weighted voting is used to achieve constitutionally required proportionality for members elected under the “proportional to town population” model described in subdivisions 711(d)(1) (proposed unified union school district; proportional to town population) and 730(a)(1) (unified union school district; Australian ballot; proportional to town population) of this chapter, then a number of members of the board holding a majority of the total number of weighted votes shall constitute a quorum, and a majority of the weighted votes cast shall be necessary and sufficient for board action.

(e) Board chair and board clerk. At the board meeting next following each annual district meeting, the unified union school district board shall elect one of its number to serve as the chair of the board and one other of its number to serve as the clerk of the board.

(f) Powers, duties, and liabilities. The powers, duties, and liabilities of a unified union school district board, board chair, and board clerk shall be the same as those of a board, board chair, and board clerk of a town school district.

(g) Minutes. The board clerk shall prepare minutes of the proceedings of the unified union school district board, unless the board votes to delegate those duties to another individual. The board clerk shall transmit the minutes and all other documents constituting the record of board proceedings to the clerk of the unified union school district, who shall be responsible for maintaining a permanent record of board proceedings. In the board clerk's absence, another member of the school board shall assume the duties of the clerk.

(h) Stipend. The board clerk may be paid upon order of the board.

§ 730. UNIFIED UNION SCHOOL DISTRICT BOARD MEMBERS;

NOMINATION AND ELECTION; BOND

(a) If by Australian ballot. The provisions of this subsection (a) shall apply to a unified union school district that conducts elections for board membership by Australian ballot.

(1) Proportional to town population.

(A) When membership on the board of a unified union school district is apportioned to each town within the district in a number that is closely proportional to the town's relative population, the voters residing in the town

may file a petition nominating a candidate for board membership. A petition is valid only if:

(i) the candidate is a current voter of the town;

(ii) the petition identifies the term of office for which the candidate is nominated;

(iii) the petition is signed by at least 30 voters residing in the town or one percent of the legal voters in the town, whichever is less;

(iv) the voters file the petition with the town clerk not later than 5:00 p.m. on the sixth Monday preceding the day of the election; and

(v) the candidate files with the town clerk a written consent to the printing of the candidate's name on the ballot.

(B) After confirming that the names on the petition correspond to registered voters of the town, the town clerk shall transmit the name of each duly nominated candidate to the clerk of the unified union school district.

(C) The district clerk shall prepare a unified union school district ballot for each town and shall transmit the ballot to the town clerk to make available to the voters residing in the town.

(D) The voters of a town within the unified union school district shall elect as many board members as are apportioned for that term of office based on the population of the town.

(2) Modified at-large model: allocation to town; at-large representation.

(A) When membership on the board of a unified union school district is allocated to each town within the district, but the allocation is not closely proportional to the town's relative population and the board member is elected at-large, the voters residing in any one or more of the towns within the district may file a petition nominating a candidate for board membership under the "modified at-large" model. A petition is valid only if:

(i) the candidate is a current voter of the town to which the seat is allocated;

(ii) the petition identifies the term of office for which the candidate is nominated;

(iii) the petition is signed by at least 60 voters residing in the unified union school district;

(iv) the voters file the petition with the clerk of the unified union school district not later than 5:00 p.m. on the sixth Monday preceding the day of the election; and

(v) the candidate files with the district clerk a written consent to the printing of the candidate's name on the ballot.

(B) Not later than 5:00 p.m. on the sixth Monday preceding the day of the election, the town clerk of each town within the unified union school

district shall furnish to the district clerk, at the expense of the district, authenticated copies of the checklist of legal voters within the town as the checklist appears after revisions are made pursuant to 17 V.S.A. §§ 2141–2150.

(C) The district clerk shall prepare the unified union school district ballot to include the name of each duly nominated candidate and shall transmit the ballot to the town clerk of each town within the district to make available to the voters residing in the town.

(D) The voters of the unified union school district shall elect as many board members as are to be elected at-large for that term of office under the “modified at-large” model.

(3) At-large representation.

(A) When membership on a unified union school district board is not apportioned or allocated pursuant to subdivision (1) (proportional to town population) or (2) (modified at-large) of this subsection (a) and the board member is elected at large, the voters residing in any one or more of the towns within the district may file a petition nominating a candidate for at-large board membership. A petition is valid only if:

(i) the candidate is a current voter of a town within the unified union school district;

(ii) the petition identifies the term of office for which the candidate is nominated;

(iii) the petition is signed by at least 60 voters residing in the unified union school district;

(iv) the voters file the petition with the clerk of the unified union school district not later than 5:00 p.m. on the sixth Monday preceding the day of the election; and

(v) the candidate files with the district clerk a written consent to the printing of the candidate's name on the ballot.

(B) Not later than 5:00 p.m. on the sixth Monday preceding the day of the election, the town clerk of each town within the unified union school district shall furnish to the district clerk, at the expense of the district, authenticated copies of the checklist of legal voters within the town as the checklist appears after revisions are made pursuant to 17 V.S.A. §§ 2141–2150.

(C) The district clerk shall prepare the unified union school district ballot to include the name of each duly nominated candidate and shall transmit the ballot to the town clerk of each town within the district to make available to the voters residing in the town.

(D) The voters of the unified union district shall elect as many board members as are to be elected at-large for that term of office.

(b) If not by Australian ballot. The provisions of this subsection shall apply to a unified union school district that has not voted to conduct elections for board membership by Australian ballot.

(1) The nomination and election of candidates for the office of unified union school district board member shall occur at a warned meeting of the unified union school district; provided, however, if the district elects board members under the “proportional to town population” model, then the nomination and election of candidates shall occur at an annual or special meeting of the town in which the candidate resides, warned for the purpose pursuant to subsection 737(f) of this chapter.

(2) Voters shall only nominate a person who is present at the meeting and the person shall accept or reject the nomination.

(3) The clerk shall ensure that the candidate is a voter of a specific town if the district elects board members under either the “proportional to town population” model or the “modified at-large” model.

(c) Bond. Before a newly elected board member enters upon the duties of office, the district shall ensure that the district’s blanket bond covers the new member. In lieu of a blanket bond, the district may choose to provide suitable crime insurance coverage.

(d) Notification. Within 10 days after the election of a board member pursuant to this section, the district clerk shall transmit the name of newly elected board members to the Secretary of State.

§ 731. VACANCY ON UNIFIED UNION SCHOOL DISTRICT BOARD

(a) Filling a vacancy. Notwithstanding any other provision of law to the contrary, this section shall apply to a vacancy on a unified union school district board, unless otherwise provided in the articles of agreement of the district as initially approved by the voters on or before July 1, 2019.

(1) Proportional to town population. If the vacancy is for a seat where membership is apportioned to a town within the unified union school district in a number that is closely proportional to the town's relative population and only voters residing in the town elect the board member, then the clerk of the unified union school district shall notify the selectboard of the town not later than five days after learning of the vacancy. Within 30 days after providing notice and after consultation with the selectboard, the unified union school district board shall appoint an eligible person to fill the vacancy until the voters elect a successor at an annual or special meeting.

(2) Modified at-large model: allocation to town; at-large representation. If the vacancy is for a seat where membership is allocated to a town within the unified union school district in a number that is not closely proportional to each town's relative population and the board member is

electd at large, then the district clerk shall notify the selectboard of the town not later than five days after learning of the vacancy. Within 30 days after providing notice and after consultation with the selectboard, the unified union school district board shall appoint an eligible person to fill the vacancy until the voters elect a successor at an annual or special meeting.

(3) At-large representation. If the vacancy is for a seat that is neither apportioned nor allocated to a town within the unified union school district as provided in subdivision (1) or (2) of this subsection and the board member is elected at-large, then within 30 days after creation of the vacancy the unified union school district board shall appoint an eligible person to fill the vacancy until the voters elect a successor at an annual or special meeting.

(4) Vacancy in all seats. If all seats on a school board are vacant, then the Secretary of State shall call a special election to fill the vacancies.

(b) Notification. Within 10 days after the appointment of a board member pursuant to this section, the district clerk of the unified union school district shall transmit the name of the appointed board member to the Secretary of State.

(c) Obligations and expenses.

(1) Vacancy in majority. If there are vacancies in a majority of the members of a unified union school district board at the same time, then the remaining member or members are authorized to draw orders for payment of

continuing obligations and necessary expenses until a majority of the vacancies are filled pursuant to the provisions of this section.

(2) Vacancy in all seats. If there are no members of the unified union school district board in office, then the Secretary of State shall authorize the district clerk or other qualified person to draw orders for payment of continuing obligations and necessary expenses until a majority of the vacancies are filled.

§ 732. UNIFIED UNION SCHOOL DISTRICT BUDGET; PREPARATION
AND AUTHORIZATION

(a) The board of a unified union school district shall prepare and distribute a proposed budget annually for the next school year pursuant to the provisions of subdivision 563(11) (powers of school boards; budget) of this title.

(b) If the voters do not approve the board's proposed budget, then the board shall prepare and present a revised proposed budget pursuant to 17 V.S.A. § 2680(c)(2) (local elections; Australian ballot system; rejected budget).

(c) If the voters do not approve a budget on or before June 30 of any year, then the board of the unified union school district may borrow funds pursuant to the authority granted under section 566 (school district; authority to borrow) of this title. As used in section 566, the "most recently approved school budget" of a union school district in its first fiscal year of full operations means the cumulative budget amount of the most recently approved

school budgets of all districts that merged to form the union district plus one percent.

§ 733. ANNUAL REPORT; DATA

(a) The board of a unified union school district shall prepare an annual report concerning the affairs of the district and have it printed and distributed to the voters of the district pursuant to the provisions of subdivision 563(10) (school districts; powers of school boards; report) of this title. The board shall file the report with the unified union school district clerk and with the town clerk of each town within the district.

(b) Annually, on or before August 15, the unified union school district board shall provide to the Secretary answers to statistical inquiries that may be addressed to the district by the Secretary.

Article 2. Unified Union School Districts – Officers, Annual Meetings,
and Special Meetings

§ 735. OFFICERS; ELECTION; TERM; VACANCY; BOND

(a) Officers. At an annual meeting of the unified union school district, the voters shall elect a moderator from among the registered voters of the district. The voters shall also vote to elect a clerk and a treasurer of the district; provided, however, at any annual or special meeting, the voters may vote to authorize the school board to appoint the clerk or the treasurer, or both. The clerk of the district shall be elected or appointed from among the voters. The

treasurer may also be the supervisory union treasurer and need not be a resident of the union school district.

(b) Election.

(1) If an officer is elected by Australian ballot in a unified union school district, then the provisions of subdivision 730(a)(3) for election by Australian ballot of at-large candidates for the unified union school district board shall apply.

(2) Votes cast to elect an officer shall be commingled and reported to the voters pursuant to section 742 (commingling of votes cast by Australian ballot and from the floor) of this chapter.

(c) Terms.

(1) Moderator. A moderator elected at an annual meeting pursuant to this section shall assume office on July 1 following the election, unless the voters vote at an annual meeting for the moderator to assume office upon election. A moderator shall serve a term of one year or until a successor is elected and has taken the oath of office unless the voters extend the term length up to three years.

(2) Clerk. A clerk elected at an annual meeting pursuant to this section shall assume office on July 1 following the election. A clerk shall serve a term of one year or until a successor is elected and has taken the oath of office unless the voters extend the term length up to three years.

(3) Treasurer. A treasurer elected at an annual meeting pursuant to this section shall assume office on July 1 following the election. A treasurer shall serve a term of one year or until a successor is elected and has taken the oath of office unless the voters extend the term length up to three years.

(d) Vacancy. The board of the unified union school district shall fill a vacancy in any office elected pursuant to this section as soon as practicable after the vacancy occurs. The appointee shall serve upon appointment for the remainder of the unexpired term of office or until the voters elect a successor.

(e) Oath of office. An officer elected or appointed pursuant to this section shall be sworn in before entering upon the duties of the office.

(f) Bond. The district shall ensure that its blanket bond covers a newly elected or appointed treasurer before the treasurer enters upon the duties of the office. In lieu of a blanket bond, the district may choose to provide suitable crime insurance coverage.

(g) Notification. Within 10 days after the election or appointment of any officer pursuant to this section, the clerk of the unified union school district shall transmit the name of the officer to the Secretary of State.

§ 736. OFFICERS; POWERS, DUTIES, AND LIABILITIES

(a) Moderator. The powers, duties, and liabilities of the moderator of a unified union school district shall be the same as those of a moderator of a town school district. The moderator shall preside at each annual and special

meeting of the unified union school district. In the moderator's absence, the voters shall elect a moderator pro tempore to preside.

(b) Clerk. The powers, duties, and liabilities of the clerk of a unified union school district shall be the same as those of a clerk of a town school district. The district clerk shall keep a record of the votes and the proceedings of the union school district meetings and shall provide certified copies of them when requested.

(c) Treasurer. The powers, duties, and liabilities of the treasurer of a unified union school district shall be the same as those of a treasurer of a town school district.

(d) Documents. The person having custody shall provide to each newly elected or appointed officer of a unified union district all books, papers, and electronic documents of the office.

§ 737. WARNINGS OF UNIFIED UNION SCHOOL DISTRICT

MEETINGS

(a) The board of a unified union school district shall have the same authority and obligation to warn or call meetings of the district as a town school board has to warn or call town school district meetings.

(b) Except as provided in subsection (f) of this section, the district clerk shall warn a unified union school district meeting pursuant to the provisions of 17 V.S.A. § 2641 (town meetings and local elections; warning and notice

publication) by posting a warning and notice to voters, signed by the chair of the board or the chair's designee, specifying the date, time, location, and business of the meeting, in at least one public place in each town within the unified union school district, and causing the same to be published once in a newspaper circulating in the unified union school district. In the district clerk's absence, the chair of the board or the chair's designee shall warn the meeting pursuant to the provisions of this section.

(c) The warning shall, by separate articles, specifically indicate the business to be transacted, to include the offices and the questions upon which the electorate shall vote. The warning shall also contain any article or articles requested by a petition signed by at least five percent of the voters of the district and filed with the district clerk pursuant to 17 V.S.A. § 2642 (town meetings and local elections; warning and notice contents).

(d) The posted notice that accompanies the warning shall include information on voter registration, early and absentee voting, the time and location at which the ballots will be counted, and any other applicable information.

(e) The warning shall be recorded in the office of the district clerk before posting.

(f) This subsection applies if a unified union school district elects school board members under the “proportional to town population” model and if it elects those members by a floor vote rather than by Australian ballot.

(1) The election shall be warned as follows:

(A) The district clerk shall transmit the signed warning to each town clerk.

(B) The district clerk shall assist each town clerk to incorporate the warning into the warning for the annual or special meeting of each town.

(C) Each town clerk, rather than the district clerk, shall post and publish the warning pursuant to the provisions of subsection (b) of this section.

(2) Notwithstanding any provision of law to the contrary, if any town within the unified union school district elects its selectboard members by Australian ballot, then the warning, nomination, ballot preparation, and election of unified union school district board members shall proceed pursuant to the same laws that govern the town.

(3) If an annual town meeting at which the board members are elected under this subsection is more than 30 days prior to the annual meeting of the unified union school district, then notwithstanding subsection 729(a) (members of unified union school district boards) of this section, the newly elected board members shall assume office at the conclusion of the district’s annual meeting.

(g) Notwithstanding any provisions of this section to the contrary, a unified union school district:

(1) shall warn a meeting called for the purpose of considering a bond issue pursuant to the provisions of 24 V.S.A. § 1755; and

(2) shall warn a meeting to consider a revised proposed budget pursuant to the provisions of subsection 732(b) of this chapter.

§ 738. CHECKLIST FOR UNION DISTRICT MEETINGS WHERE
VOTING IS CONDUCTED FROM THE FLOOR

(a) Not later than the close of business on the day before an annual or special meeting of a unified union school district, the town clerk of each town within the district shall furnish to the district clerk, at the expense of the district, authenticated copies of the checklist of legal voters within the town as the checklist appears after revisions are made pursuant to 17 V.S.A. §§ 2141–2150 (elections; registration of voters). The checklist shall control for purposes of determining voter eligibility in the unified union school district.

(b) During the annual or special meeting, one or more members of each town's board of civil authority shall assist the district clerk to determine voter eligibility and to supervise voting during the meeting.

(c) This section shall not apply to a meeting warned pursuant to subsection 737(f) (unified union school district meetings; proportional to town population; floor vote) of this chapter.

§ 739. CONDUCT OF VOTE IF BY AUSTRALIAN BALLOT

For any vote that proceeds by Australian ballot in a unified union school district:

(1) A district voter shall vote by Australian ballot in the town in which the voter currently resides at the polling location identified in the warning.

(2) Voting shall occur in each town on the same day.

(3) The board of civil authority of each town shall be responsible for determining the eligibility of persons to vote and for supervising voting at that polling location.

(4) The opportunity for early and absentee voting pursuant to 17 V.S.A. §§ 2531–2550 (conduct of elections; early and absentee voters) shall be provided.

§ 740. PREPARATION AND FORM OF AUSTRALIAN BALLOT

(a) The clerk of a unified union school district shall prepare the ballot for any vote that proceeds by Australian ballot in the district.

(b) Only questions warned by the unified union school district and presented to the voters of that district shall appear on a ballot prepared pursuant to subsection (a) of this section.

(c) Warned questions of the unified union school district shall not appear on the same ballot as questions warned by the legislative body of a town within the unified union school district.

§ 741. COUNTING OF AUSTRALIAN BALLOTS

(a) Process.

(1) At least two members of the board of civil authority of each town within a unified union school district, or two election officials appointed by the board of civil authority of that town, shall transport ballots cast in the town in a sealed container to a central location designated by the district clerk. The district clerk shall place the ballots from all locations into a single container.

(2) The boards of civil authority shall not count the ballots for purposes of determining the outcome of the votes cast in that town prior to transporting them but may open the containers and count the total number of ballots cast at that polling location.

(3) The district clerk or designee shall supervise representatives of the boards of civil authority, identified in subdivision (1) of this subsection, to count ballots at the central location pursuant to section 742 (commingling and reporting of votes cast by Australian ballot and from the floor) of this title. The district clerk shall also have the authority to appoint current unified union school district board members who are not on the ballot to aid in the counting of ballots.

(4) The ballots shall be counted as soon as possible, but not later than 24 hours after the time at which the polls closed.

(5) If ballots are to be counted on the day following the election, then the clerk of each town within the unified union school district shall store the ballots in a secure location in the town until they are transported on the following day to the central location designated by the district clerk for counting.

(6) After the ballots have been counted, the district clerk shall seal them in a secure container and store them for at least 90 days in a secure location.

(b) Applicability. The counting of Australian ballots cast by voters in a unified union school district for the election of members of the district board, for the election of district officers, for proposed budgets, and for any other public questions shall proceed pursuant to the provisions of this section, except when:

(1) Vermont statute explicitly permits or requires a different method for a specific type of question presented to the voters;

(2) the ballots have been cast to elect a unified union school district board member where membership on the board is apportioned based on town population pursuant to subdivision 730(a)(1) (unified union school district; Australian ballot; proportional to town population) of this title; or

(3) the articles of agreement as initially approved by the voters on or before July 1, 2019 explicitly provide that the board of civil authority of each town within the unified union school district shall count Australian ballots cast

in that town and report that town's results to the district clerk, who shall calculate total votes cast within the unified union school district and report the result of the vote to the public.

§ 742. COMMINGLING AND REPORTING OF ALL VOTES CAST BY
AUSTRALIAN BALLOT AND FROM THE FLOOR

(a) Commingling. Votes cast by the voters of a unified union school district shall be commingled, whether cast by Australian ballot or from the floor, and shall not be counted according to the town in which a voter resides.

(b) Report to public. The district clerk shall report the commingled results of votes cast by voters of a unified union school district.

(c) Applicability. The commingling and reporting of votes cast by voters in a unified union school district for the election of members of the district board, for the election of district officers, for proposed budgets, and for any other public question shall proceed pursuant to the provisions of this section regardless of whether the votes proceeds by Australian ballot or by a floor vote, except when:

(1) Vermont statute explicitly permits or requires a different method for a specific type of question presented to the voters;

(2) the ballots have been cast to elect a unified union school district board member where membership on the board is apportioned based on town

population pursuant to subdivision 730(a)(1) (unified union school district; Australian ballot; proportional to town population) of this chapter; or

(3) the articles of agreement as initially approved by the voters on or before July 1, 2019 explicitly provide that the board of civil authority of each town within the unified union school district shall count Australian ballots cast in that town and report that town's results to the district clerk, who shall calculate total votes cast within the unified union school district and report the result of the vote to the public.

§ 743. BOND ISSUES; DEBT LIMIT

(a) A unified union school district may make improvements, as defined by 24 V.S.A. § 1751 (municipal and county government; indebtedness definitions), and may incur indebtedness for improvements as provided in 24 V.S.A. chapter 53, subchapter 1 (municipal and county government; indebtedness generally).

(b) The debt limit of the unified union school district shall be 10 times the total of the education grand lists of the towns within the unified union school district. The existing indebtedness of a unified union school district incurred to finance any project approved under sections 3447 to 3456 (State aid for capital construction costs) of this title shall not be considered a part of the indebtedness of the unified union school district for purposes of determining its debt limit for a new proposed bond issue.

(c) Bond issues under this section shall be determined by Australian ballot and shall proceed pursuant to sections 737 (warnings of unified union school district meetings) and 739–742 (vote by Australian ballot) of this subchapter. The ballots shall be commingled before counting.

Subchapter 4. Union Elementary School Districts and
Union High School Districts

§ 745. DEFINITIONS

As used in this subchapter, words have the meaning as defined in section 702 (definitions) of this title and any words not defined in that section have their plain meaning, except:

(1) Member district. “Member district” means either a town school district that is a member district as defined in section 702 (definitions) of this title or a town in a member district if the member district is itself a union elementary or union high school district, as applicable.

(2) Town clerk.

(A) If, pursuant to section 425 (other town school district officers) of this title, the voters of a member district have elected a district clerk who is not also the clerk of the town, then “town clerk” means the elected clerk of that member district.

(B) Notwithstanding subdivision (A) of this subdivision (2), if a union elementary or union high school district is a member district of the union

school district, then “town clerk” has its plain meaning and means the clerk of each town in the member district.

Article 1. Union Elementary and Union High School Districts – Boards and Board Members

§ 747. BOARD MEMBERS; TERM; CONDUCT OF MEETINGS;

QUORUM AND VOTING; POWERS AND DUTIES

(a) Members. Except as set forth in subchapter 2 (exploration, formation, and organization) of this chapter for initial members, each member of the board of a union elementary school or union high school district shall:

(1) be elected by the voters at warned meeting pursuant to section 748 (union elementary and union high school district board members) of this chapter;

(2) assume office upon election, except as provided in subdivision 755(f)(3) (warnings of union elementary and union high school district meetings) of this chapter; and

(3) be sworn in before entering upon the duties of the office.

(b) Term. A member elected at an annual meeting shall serve for a term of three years or until the member’s successor is elected and has taken the oath of office. A member elected at a special meeting shall serve for the balance of the term remaining.

(c) Quorum. A majority of the members of the board shall constitute a quorum. Subject to the provisions of subsection (d) of this section but notwithstanding any other provision of law, the concurrence of a majority of members present at a union elementary or union high school district board meeting shall be necessary and sufficient for board action; provided, however, the concurrence of more than a majority shall be necessary if required for a particular action by the voter-approved articles of agreement.

(d) Weighted voting. If weighted voting is used to achieve constitutionally required proportionality for members elected under the “proportional to town population” model set out in subdivisions 711(e)(1) (proposed union elementary or union high school district; proportional to town population) and 748(a)(1) (union elementary and union high school district board members; Australian ballot; proportional to town population) of this chapter, then a number of members of the board holding a majority of the total number of weighted votes shall constitute a quorum, and a majority of the weighted votes cast shall be necessary and sufficient for board action.

(e) Board chair and board clerk. At the meeting next following each annual meeting, the union elementary or union high school district board shall elect one of its number to serve as the chair of the board and one other of its number to serve as the clerk of the board.

(f) Powers, duties, and liabilities. The powers, duties, and liabilities of a union elementary or union high school district board, board chair, and board clerk shall be the same as those of a board, board chair, and board clerk of a town school district.

(g) Minutes. The board clerk shall prepare minutes of the proceedings of the union elementary or union high school district board, unless the board votes to delegate those duties to another individual. The board clerk shall transmit the minutes and all other documents constituting the record of board proceedings to the clerk of the union elementary or union high school district, who shall be responsible for maintaining a permanent record of board proceedings. In the board clerk's absence, another member of the school board shall assume the duties of the clerk.

(h) Stipend. The board clerk may be paid upon order of the board.

§ 748. UNION ELEMENTARY AND UNION HIGH SCHOOL DISTRICT

BOARD MEMBERS; NOMINATION AND ELECTION; BOND

(a) If by Australian ballot. The provisions of this subsection (a) shall apply to a union elementary or union high school district that conducts elections for board membership by Australian ballot.

(1) Proportional to town population.

(A) When membership on the board of a union elementary or union high school district is apportioned to each member district in a number that is

closely proportional to the member district's relative population, the voters of the member district may file a petition nominating a candidate for board membership. A petition is valid only if:

(i) the candidate is a current voter of the member district;

(ii) the petition identifies the term of office for which the candidate is nominated;

(iii) the petition is signed by at least 30 voters residing in the member district or one percent of the legal voters in that district, whichever is less;

(iv) the voters file the petition with the town clerk not later than 5:00 p.m. on the sixth Monday preceding the day of the election; and

(v) the candidate files with the town clerk a written consent to the printing of the candidate's name on the ballot.

(B) After confirming that the names on the petition correspond to registered voters of the member district, the town clerk shall transmit the name of each duly nominated candidate to the clerk of the union elementary or union high school district.

(C) The union district clerk shall prepare a union elementary or union high school district ballot for each member district and shall transmit the ballot to the town clerk to make available to the voters residing in the member district.

(D) The voters of the member district shall elect as many board members as are apportioned for that term of office on the union elementary or union high school district board based on the population of the member district.

(2) Modified at-large model: allocation to town; at-large representation.

(A) When membership on the board of a union elementary or union high school district is allocated to each member district, but the allocation is not closely proportional to the member district's population and the board member is elected at-large, the voters residing in any one or more of the member districts may file a petition nominating a candidate for board membership under the "modified at-large" model. A petition is valid only if:

(i) the candidate is a current voter of the member district to which the seat is allocated;

(ii) the petition identifies the term of office for which the candidate is nominated;

(iii) the petition is signed by at least 60 voters residing in the union elementary or union high school district;

(iv) the voters file the petition with the clerk of the union elementary or union high school district not later than 5:00 p.m. on the sixth Monday preceding the day of the election; and

(v) the candidate files with the union district clerk a written consent to the printing of the candidate's name on the ballot.

(B) Not later than 5:00 p.m. on the sixth Monday preceding the day of the election, the town clerk of each member district shall furnish to the union district clerk, at the expense of the union district, authenticated copies of the checklist of legal voters within the member district as the checklist appears after revisions are made pursuant to 17 V.S.A. §§ 2141–2150.

(C) The union district clerk shall prepare the union elementary or union high school district ballot to include the name of each duly nominated candidate and shall transmit the ballot to the town clerk of each member district to make available to the voters residing in the member district.

(D) The voters of the union elementary or union high school district shall elect as many board members as are to be elected at-large for that term of office under the “modified at-large” model.

(3) At-large representation.

(A) When membership on the board of a union elementary or union high school district is not apportioned or allocated pursuant to subdivision (1) (proportional to town population) or (2) (modified at-large) of this subsection (a) (Australian ballot) and the board member is elected at large, the voters residing in any one or more of the member districts may file a petition

nominating a candidate for at-large board membership. A petition is valid only if:

(i) the candidate is a current voter of the union elementary or union high school district;

(ii) the petition identifies the term of office for which the candidate is nominated;

(iii) the petition is signed by at least 60 voters residing in the union elementary or union high school district;

(iv) the voters file the petition with the clerk of the union elementary or union high school district not later than 5:00 p.m. on the sixth Monday preceding the day of the election; and

(v) the candidate files with the union district clerk a written consent to the printing of the candidate's name on the ballot.

(B) Not later than 5:00 p.m. on the sixth Monday preceding the day of the election, the town clerk of each member district shall furnish to the union district clerk, at the expense of the union district, authenticated copies of the checklist of legal voters within the member district as the checklist appears after revisions are made pursuant to 17 V.S.A. §§ 2141–2150.

(C) The union district clerk shall prepare the union elementary or union high school district ballot to include the name of each duly nominated

candidate and shall transmit the ballot to the town clerk of each member district to make available to the voters residing in the member district.

(D) The voters of the union elementary or union high school district shall elect as many board members as are to be elected at-large for that term of office.

(b) If not by Australian ballot. The provisions of this subsection (b) shall apply to a union elementary or union high school district that does not conduct elections for board membership by Australian ballot.

(1) The nomination and election of candidates for the office of union elementary or union high school district board member shall occur at a warned meeting of the union school district; provided, however, if the union district elects board members under the “proportional to town population” model, then the nomination and election of candidates shall occur at an annual or special meeting of the member district for the town in which the candidate resides, warned for the purpose pursuant to subsection 755(f) (warnings of union elementary and union high school district meetings; members elected under proportional to town population model and by floor vote) of this chapter.

(2) Voters shall only nominate a person who is present at the meeting, and the person shall accept or reject the nomination.

(3) The meeting shall proceed in a manner to ensure that the candidate is a voter of a specific member district if the union district elects board members under either the “proportional to town population” model or the “modified at-large” model.

(c) Bond. Before a newly elected board member enters upon the duties of office, the union district shall ensure that the district’s blanket bond covers the new member. In lieu of a blanket bond, the district may choose to provide suitable crime insurance coverage.

(d) Notification. Within 10 days after the election of a board member pursuant to this section, the union elementary or union high school district clerk shall transmit the name of the newly elected board member to the Secretary of State.

§ 749. VACANCY ON UNION ELEMENTARY OR UNION HIGH
SCHOOL DISTRICT BOARD

(a) Filling a vacancy. Notwithstanding any other provisions of law to the contrary, this section shall apply to a vacancy on a union elementary or union high school district board, unless otherwise provided in the articles of agreement of the union elementary or union high school district as initially approved by the voters on or before July 1, 2019.

(1) Proportional to town population. If the vacancy is for a seat where membership is apportioned to a member district in a number that is closely

proportional to its relative population and only voters residing in the member district elect the board member; then the union elementary or union high school district clerk shall notify the board of the member district not later than five days after learning of the vacancy. Within 30 days after receiving notice, the board of the member district shall appoint a person who is otherwise eligible to serve as a member of the union elementary or union high school district board to fill the vacancy until the voters elect a successor at an annual or special meeting pursuant to the provisions of section 748 (union elementary and union high school district board members) of this chapter.

(2) Modified at-large model: allocation to town; at-large representation. If the vacancy is for a seat where membership is allocated to a member district in a number that is not closely proportional to each district's relative population and the board member is elected at-large, then the union elementary or union high school district clerk shall notify the board of the member district not later than five days after learning of the vacancy. Within 30 days after providing notice and after consultation with the member district's board, the union elementary or union high school district board shall appoint a person who is otherwise eligible to serve as a member of the union elementary or union high school district board to fill the vacancy until the voters elect a successor at an annual or special meeting pursuant to the

provisions of section 748 (union elementary and union high school district board members) of this chapter.

(3) At-large representation. If the vacancy is for a seat that is neither apportioned nor allocated to a member district pursuant to subdivision (1) (proportional to town population) or (2) (modified at-large) of this subsection and the board member is elected at-large, then within 30 days after creation of the vacancy the union elementary or union high school district board shall appoint a person who is otherwise eligible to serve as a member of the board to fill the vacancy until the voters elect a successor at an annual or special meeting pursuant to the provisions of section 748 (union elementary and union high school district board members) of this chapter.

(4) No board of member district. For purposes of subdivisions (1) (proportional to town population) and (2) (modified at-large) of this subsection (a), if the member district is also a union school district and any related town school district has discontinued operations pursuant to subdivision 717(b)(2) (discontinuation of forming districts in union elementary and union high school districts) of this chapter and has no board, then the clerk of the union elementary or union high school district shall notify the selectboard of the pertinent town not later than five days after learning of the vacancy. Within 30 days after providing notice and after consultation with the selectboard, the union elementary or union high school district board shall

appoint a person who is otherwise eligible to serve as a member of the union elementary or union high school district board to fill the vacancy until the voters elect a successor at an annual or special meeting pursuant to the provisions of section 748 (union elementary and union high school district board members) of this chapter.

(5) Vacancy in all seats. If all seats on a school board are vacant, then the Secretary of State shall call a special election to fill the vacancies.

(b) Notification. Within 10 days after the appointment of a board member pursuant to this section, the clerk of the union elementary or union high school district shall transmit the name of the appointed board member to the Secretary of State.

(c) Obligations and expenses.

(1) Vacancy in majority. If there are vacancies in a majority of the members of a union elementary or union high school district board at the same time, then the remaining member or members are authorized to draw orders for payment of continuing obligations and necessary expenses until a majority of the vacancies are filled pursuant to the provisions of this section.

(2) Vacancy in all seats. If there are no members of the union elementary or union high school district board in office, then the Secretary of State shall appoint and authorize the district clerk or other qualified person to

draw orders for payment of continuing obligations and necessary expenses until a majority of the vacancies are filled.

§ 750. UNION ELEMENTARY OR UNION HIGH SCHOOL DISTRICT

BUDGET; PREPARATION AND AUTHORIZATION

(a) The board of a union elementary or union high school district shall prepare and distribute a proposed budget annually for the next school year pursuant to the provisions of subdivision 563(11) (powers of school boards; budget) of this title.

(b) If the voters do not approve the board's proposed budget, then the board shall prepare a revised proposed budget pursuant to 17 V.S.A. § 2680(c)(2) (local elections using the Australian ballot system; rejected budget).

(c) If the voters do not approve a budget on or before June 30 of any year, the board of the unified union school district may borrow funds pursuant to the authority granted under section 566 (school districts; authority to borrow) of this title. As used in section 566, the "most recently approved school budget" of a union school district in its first fiscal year of full operations means the cumulative budget amount of the most recently approved school budgets of all districts that merged to form the union district plus 1 percent.

§ 751. ANNUAL REPORT; DATA

(a) The board of a union elementary or union high school district shall prepare an annual report concerning the affairs of the district and have it printed and distributed to the voters of the district pursuant to the provisions of subdivision 563(10) (powers of school boards; report) of this title. The board shall file the report with the union district clerk and the clerk of each member district.

(b) Annually, on or before August 15, the union elementary or union high school district board shall provide to the Secretary answers to statistical inquiries that may be addressed to the district by the Secretary.

Article 2. Union Elementary and Union High School Districts – Officers,

Annual Meetings, and Special Meetings

§ 753. OFFICERS; ELECTION; TERM; VACANCY; BOND

(a) Officers. At an annual meeting of the union elementary or union high school district, the voters shall elect a moderator from among the registered voters. The voters shall also vote to elect a clerk and a treasurer of the district; provided, however, at any annual or special meeting, the voters may vote to authorize the school board to appoint the clerk or the treasurer, or both. The clerk of the district shall be elected or appointed from among the voters. The treasurer may also be the supervisory union treasurer and need not be a resident of the union elementary or union high school district.

(b) Election if by Australian ballot. If a union elementary or union high school district elects its officers by Australian ballot, then the provisions of subdivision 748(a)(3) of this chapter for election by Australian ballot of at-large candidates for the union elementary or union high school district board shall apply.

(c) Terms.

(1) Moderator. A moderator elected at an annual meeting pursuant to this section shall assume office on July 1 following the election, unless the voters vote at an annual meeting for the moderator to assume office upon election. A moderator shall serve a term of one year or until a successor is elected and has taken the oath of office unless the voters extend the term length up to three years.

(2) Clerk. A clerk elected at an annual meeting pursuant to this section shall assume office on July 1 following the election. A clerk shall serve a term of one year or until a successor is elected and has taken the oath of office unless the voters extend the term length up to three years.

(3) Treasurer. A treasurer elected at an annual meeting pursuant to this section shall assume office on July 1 following the election. A clerk shall serve a term of one year or until a successor is elected and has taken the oath of office unless the voters extend the term length up to three years.

(d) Vacancy. The board of the union elementary or union high school district shall fill a vacancy in any office elected or appointed pursuant to this section as soon as practicable after the vacancy occurs. The appointee shall serve upon appointment for the remainder of the unexpired term of office or until the voters elect a successor.

(e) Oath of office. An officer elected or appointed pursuant to this section shall be sworn in before entering upon the duties of the office.

(f) Bond. The district shall ensure that its blanket bond covers a newly elected or appointed treasurer before the treasurer enters upon the duties of the office. In lieu of a blanket bond, the district may choose to provide suitable crime insurance coverage.

(g) Notification. Within 10 days after the election or appointment of any officer pursuant to this section, the clerk of the union elementary or union high school district shall transmit the name of the officer to the Secretary of State.

§ 754. OFFICERS; POWERS, DUTIES, AND LIABILITIES

(a) Moderator. The powers, duties, and liabilities of the moderator of a union elementary or union high school district shall be the same as those of a moderator of a town school district. The moderator shall preside at each annual and special meeting of the union elementary or union high school district. In the moderator's absence, the voters shall elect a moderator pro tempore to preside.

(b) Clerk. The powers, duties, and liabilities of the clerk of a union elementary or union high school district shall be the same as those of a clerk of a town school district. The district clerk shall keep a record of the votes and the proceedings of the union school district meetings and shall provide certified copies of them when requested.

(c) Treasurer. The powers, duties, and liabilities of the treasurer of a union elementary or union high school district shall be the same as those of a treasurer of a town school district.

(d) Documents. The person having custody shall provide to each elected or appointed officer of a union district all books, papers, and electronic documents of the office.

§ 755. WARNINGS OF UNION ELEMENTARY AND UNION HIGH

SCHOOL DISTRICT MEETINGS

(a) The board of a union elementary or union high school district shall have the same authority and obligation to warn or call meetings of the district as a town school board has to warn or call town school district meetings.

(b) Except as provided in subsection (f) of this section, not less than 30 nor more than 40 days before the meeting, the union district clerk shall warn a union elementary or union high school district meeting by posting a warning and notice to voters, signed by the chair of the union district board or the chair's designee, specifying the date, time, location, and business of the

meeting, in the district clerk's office and at least one public place in each town within the union elementary or union high school district, and causing the same to be published once in a newspaper circulating in the union district at least five days before the meeting. In the district clerk's absence, the chair of the board or the chair's designee shall warn the meeting pursuant to the provisions of this section.

(c) The warning shall, by separate articles, specifically indicate the business to be transacted, including the offices and the questions upon which the electorate shall vote. The warning shall also contain any article or articles requested by a petition signed by at least five percent of the voters of the district and filed with the district clerk pursuant to 17 V.S.A. § 2642 (town meetings and local elections; warning and notice contents).

(d) The posted notice that accompanies the warning shall include information on voter registration, early and absentee voting, the time and location at which the ballots will be counted, and other applicable information.

(e) The warning shall be recorded in the office of the district clerk and shall be provided to the town clerk of each town in the unified elementary or union high school district before being posted.

(f) This subsection shall apply if a union elementary or union high school district elects school board members under the "proportional to town

population” model and if it elects those members by a floor vote rather than by Australian ballot.

(1) The election shall be warned as follows:

(A) The district clerk shall transmit the signed warning to each town clerk.

(B) The district clerk shall assist each town clerk to incorporate the warning into the warning for the annual or special meeting of each member district.

(C) Each town clerk, rather than the union district clerk, shall post and publish the warning pursuant to the provisions of subsection (b) of this section.

(2) Notwithstanding any provision of law to the contrary, if any member district elects its own board members by Australian ballot, then the warning, nomination, ballot preparation, and election of union school district board members shall proceed pursuant to the same laws that govern the member district.

(3) If an annual meeting of a member district at which the union district board members are elected under this subsection is more than 30 days prior to the annual meeting of the union school district, then notwithstanding subsection 747(a) (board members of union elementary and union high school

districts) of this chapter, the newly elected board members shall assume office at the conclusion of the union school district's annual meeting.

(g) Notwithstanding any provision of this section to the contrary, a union elementary or union high school district:

(1) shall warn a meeting called for the purpose of considering a bond issue in accordance with the provisions of 24 V.S.A. § 1755; and

(2) shall warn a meeting to consider a revised proposed budget pursuant to the provisions of subsection 750(b) (union elementary or union high school district revised proposed budget) of this chapter.

§ 756. UNION DISTRICT MEETINGS CONDUCTED FROM THE FLOOR

(a) Not later than the close of business on the day before the meeting, the town clerk of each member district of a union elementary or union high school district shall furnish to the union district clerk, at the expense of the union district, authenticated copies of the checklist of legal voters within the member district as the checklist appears after revisions are made pursuant to 17 V.S.A. §§ 2141–2150 (registration of voters). The checklist shall control for purposes of determining voter eligibility in the union elementary or union high school district.

(b) During the annual or special meeting, one or more members of each town's board of civil authority shall assist the union district clerk to determine voter eligibility and to supervise voting during the meeting.

(c) Votes cast at an annual or special meeting shall be commingled and shall not be counted according to the town in which a voter resides.

(d) The provisions of this section shall apply to all votes of the electorate in a union elementary or union high school district that do not proceed by Australian ballot; provided, however:

(1) They shall not apply if Vermont statute explicitly permits or requires a different method for a specific type of question presented to the voters.

(2) They shall not apply to a vote warned pursuant to subsection 755(f) (warnings of union elementary and union high school district meetings; members elected under proportional to town population model and by floor vote) of this chapter.

(e) If a person who resides in a member district and is otherwise eligible to vote at a union elementary or union high school district meeting has not maintained residence in the member district for the requisite number of days but resided in another member district of the union elementary or union high school district for the requisite number of days, then the town clerk of the member district in which the person currently resides shall enter such person's name on the checklist of legal voters if the person presents to that town clerk a certificate signed by the town clerk of the member district in which the person formally resided confirming that the person lived within the union elementary or union high school district for the requisite number of days.

§ 757. CONDUCT OF VOTE IF BY AUSTRALIAN BALLOT

In any vote that proceeds by Australian ballot in a union elementary or union high school district:

(1) A district voter shall vote by Australian ballot in the town in which the voter currently resides at the polling location identified in the warning.

(2) Voting shall occur in each town on the same day.

(3) The board of civil authority of each town shall be responsible for determining the eligibility of persons to vote and for supervising voting at that polling location.

(4) The opportunity for early and absentee voting pursuant to 17 V.S.A. §§ 2531–2550 (conduct of elections; early or absentee voters) shall be provided.

§ 758. PREPARATION AND FORM OF AUSTRALIAN BALLOT

(a) The clerk of a union elementary or union high school district shall prepare the ballot for any vote that proceeds by Australian ballot in the union school district.

(b) Only questions warned by the union elementary or union high school district and presented to the voters of that district shall appear on a ballot prepared pursuant to subsection (a) of this section.

(c) Warned questions of the union elementary or union high school district shall not appear on the same ballot as questions warned by a member district

of the union elementary or union high school district or by the legislative body of a town within the union elementary or union high school district.

§ 759. COUNTING AND REPORTING RESULTS OF VOTE BY

AUSTRALIAN BALLOT

(a) Process if commingled. If the voters have approved the commingling of votes cast by Australian ballot for any or all categories of public questions, including elections and budget votes, or if Vermont law requires commingling, then the following process applies to those votes except to the extent that Vermont law explicitly requires a different process for a specific type of public question.

(1) At least two members of the board of civil authority of each town within a union elementary or union high school district, or two election officials appointed by the board of civil authority of that town, shall transport ballots cast in the member district in a sealed container to a central location designated by the clerk of the union elementary or union high school district.

(2) The boards of civil authority shall not count the ballots for purposes of determining the outcome of the votes cast in the member district prior to transporting them but may open the containers and count the total number of ballots cast at that polling location.

(3) The union elementary or union high school district clerk or designee shall supervise representatives of the boards of civil authority to count ballots

at the central location. The union elementary or union high school district clerk shall also have the authority to appoint current union elementary or union high school district board members who are not on the ballot to aid in the counting of ballots

(4) The ballots shall be counted as soon as possible, but not later than 24 hours after the time at which the polls closed.

(5) If ballots are to be counted on the day following the election, then the clerk of each member district shall store the ballots in a secure location until they are transported on the following day to the central location designated by the union district clerk for counting.

(6) Ballots from all member districts shall be combined into a single group before counting and shall not be counted according to the member district or town in which a voter resides.

(7) After the ballots have been counted, the union district clerk shall seal them in a secure container and store them for at least 90 days at a secure location.

(8) The union district clerk shall report the commingled results of votes cast within the union elementary or union high school district to the public.

(b) Process if not commingled. If the voters have not approved the commingling of votes cast by Australian ballot for budgets, elections, or any other category of public question, and if Vermont law does not require

commingling, then the following process applies to those votes except to the extent that Vermont law explicitly requires a different process for a specific type of public question.

(1) The board of civil authority of each town within the union elementary or union high school district shall count Australian ballots cast in the member district and report the results to the clerk of the union district.

(2) The clerk of the union district shall calculate total votes cast within the union district for any vote that requires approval by the electorate of the entire union elementary or union high school district, rather than approval by the voters in one member district or by the voters in each member district separately.

(3) The union district shall report to the public the results of total votes cast; provided, however, that both the union district clerk and the clerk of each member school district shall report the results of ballots cast to elect a union school district board member where membership on the board is apportioned based on town population pursuant to subdivision 748(a)(1) of this chapter.

§ 760. BOND ISSUES; DEBT LIMIT

(a) A union elementary or union high school district may make improvements, as defined by 24 V.S.A. § 1751, and may incur indebtedness for the improvements as provided in 24 V.S.A. chapter 53, subchapter 1.

(b) The debt limit of the union elementary or union high school district shall be 10 times the total of the education grand lists of the member districts of the union school district. The existing indebtedness of a union elementary or union high school district incurred to finance any project approved under sections 3447 to 3456 of this title shall not be considered a part of the indebtedness of the union elementary or union high school district for purposes of determining its debt limit for a new proposed bond issue. An obligation incurred by a union elementary or union high school district pursuant to this chapter shall be the joint and several obligation of the union school district and each of its member districts. Any joint or several obligation incurred by a member district pursuant to this subsection shall not be considered in determining the debt limit for the separate purposes of the member district.

(c) Bond issues under this section shall be determined by Australian ballot and shall proceed pursuant to sections 755 (warnings of union elementary school district and union high school district meetings) and 757–759 (vote by Australian ballot) of this subchapter. Ballots shall be commingled before counting.

Subchapter 5. Districts Formed Pursuant to Prior Laws

§ 763. RATIFICATION; ARTICLES OF AGREEMENT; APPLICATION
OF CHAPTER

(a) Each union school district in existence on July 1, 2022, is ratified and subject to the provisions of this chapter 11, regardless of whether the district was formed by an affirmative vote of the electorate or by the State Board as part of its “Final Report of Decisions and Order on Statewide School District Merger Decisions Pursuant to [2015 Acts and Resolves No.] 46, Sections 8(b) and 10” dated November 28, 2018 (the Order).

(b) References in this chapter 11 to articles of agreement initially adopted by the voters shall also mean articles of agreement as issued by the State Board as part of the Order.

(c) Articles of agreement in effect on June 30, 2022, as initially adopted by the voters or subsequently amended, shall govern the district unless and until amended; provided, however, and notwithstanding the provisions of 1 V.S.A. § 214 or other laws to the contrary, the provisions of this chapter 11 shall govern in all matters not addressed in the articles of agreement and shall take precedence in the event of conflict with any article.

§ 764. SECRETARY OF STATE; RECORDING CERTIFICATES

(a) To ensure that documentary evidence relating to the creation of union school districts can be found in one location, the Secretary of Education shall forward to the Secretary of State copies of the certifications designating the existence of each new union school district created pursuant to the State Board’s “Final Report of Decisions and Order on Statewide School District

Merger Decisions Pursuant to 2015 Acts and Resolves No. 46, Sections 8(b) and 10” dated November 28, 2018 (the Order).

(b) The Secretary of State shall record the certifications and all subsequent amendments and addenda to the certifications.

(c) The Secretary of State shall file a certified copy of the recorded certification and any amendments or addenda with the elected clerk of each union school district created by the Order.

Sec. 4. WITHDRAWAL ACTIONS APPROVED BY STATE BOARD;

NEW DISTRICTS WITH AN OPERATIONAL DATE ON OR
AFTER JULY 1, 2023

(a) Application of this section. This section shall apply solely to a withdrawal action initiated pursuant to the provisions of 16 V.S.A. § 724 that were in effect prior to the effective date of Sec. 3 of this act (former 16 V.S.A § 724), if each of the following actions occurred prior to that effective date:

(1) the State Board of Education gave final approval to the voter-approved and voter-ratified proposal to withdraw from the union school district;

(2) the State Board declared a new school district to be reconstituted;

(3) the State Board established the new school district’s operational date as July 1, 2023 or after;

(4) the voters of the new school district elected school board members;

(5) the voters of the towns within the union district voted to approve the financial terms of withdrawal negotiated by the boards of the new school district and the union district; and

(6) the State Board charged the new school district and its board with performing the transitional activities necessary to assume sole responsibility for the education of resident students on the identified operational date.

(b) Vote of the board of the new school district; operational date. Before July 1, 2022, the board of the new school district shall vote whether to move forward with preparing for the operational date in effect on July 1, 2022 (current operational date) or whether to extend the operational date by one year. If the school board votes to extend the operational date, the operational date shall be extended to one year from the current operational date (new operational date). The board of the new school district shall notify the State Board and clerk of the union district of its decision and operational date on or before July 1, 2022. The State Board shall then review the preparedness of the new school district pursuant to subsection (d) of this section. The decision of the State Board shall be final regardless of whether it occurs in 2022 or 2023.

(c) Status report. On or before the regular July State Board meeting in the year in which the review will occur, the new school district shall submit a written status report to the Board detailing the actions the district has taken and will take to ensure that, as of its operational date, the district will be

prepared to assume sole responsibility for the education of its students in prekindergarten through grade 12 in a manner that will meet educational quality standards as required by 16 V.S.A. § 165 and to ensure the provision of supervisory union services. The status report shall include a timeline indicating the date by which each action shall be complete.

(d) State Board review and findings.

(1) Review. The State Board shall consider the status report and provide the board of the new school district an opportunity to be heard. The Board may, in its discretion, take testimony from other individuals and entities, including the union school district and the Agency of Education. The State Board shall issue a determination of preparedness based on the review and report on or before the September 1 of the year in which the review will occur.

(2) Preparedness deemed likely. If the State Board determines that it is likely the new school district will be prepared, on the identified operational date provided to the State Board pursuant to subsection (b), to assume full responsibility for the education of its resident students in a manner that substantially complies with educational quality standards as required by 16 V.S.A. § 165, and to ensure the provision of supervisory union services, then the new school district, the union district, and, if applicable, the supervisory union or unions shall continue to take all actions necessary to prepare for the realignment of duties on the operational date.

(3) Preparedness deemed unlikely.

(A) If the State Board determines there is a reasonable risk that the new district will not be able to be prepared, on the operational date provided to the State Board pursuant to subsection (b), to assume full responsibility for the education of its resident students in a manner that substantially complies with educational quality standards as required by 16 V.S.A. § 165, and to ensure the provision of supervisory union services, then the Board shall issue a written advisory statement detailing the factors underlying its conclusion, which it shall post on its website and transmit electronically to the board of the new school district.

(B) Upon receipt of an advisory opinion pursuant to subdivision (d)(3)(A) of this section, the board of the new school district shall post the document on its website and schedule the contents as a topic for public discussion at a special or regular board meeting.

(C) Prior to the operational date and after public discussion and any board deliberations:

(i) The board of the new school district may continue to take all actions necessary to prepare for the realignment of duties on the operational date.

(ii) On its own motion, or if petitioned to do so by at least five percent of the voters in the new school district, the board of the new school

district shall warn a vote to request the State Board to reverse its declaration approving withdrawal and reconstituting the new school district. The vote shall be held before the October 1 prior to the operational date.

(I) The question shall be decided by Australian ballot.

(II) Within 45 days after the vote or 15 days after a vote to reconsider under 17 V.S.A. § 2661, whichever is later, the clerk of the new school district shall certify the results of the vote to the Secretary of State who shall record the certificate and give notice of the vote to the clerk of the union district, the clerks of each of the other towns within the union district, and the Secretary of Education. The clerk of the new school district shall submit the certification regardless of whether the voters in the district voted to petition the State Board to reverse its declarations.

(D) If the new school district requests the State Board to take action under subdivision (3)(C) of this subsection (d), then:

(i) the State Board shall reverse and void earlier declarations approving withdrawal and reconstituting the new school district and the withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is concluded; and

(ii) the union school district shall continue to be solely responsible for the education of the students residing in the town that petitioned for withdrawal; provided, however:

(I) the new school district and its board shall continue to exist for up to six months after the day on which the State Board reverses and voids its earlier declarations for the sole purpose of completing any outstanding business that cannot legally be performed by another entity; and

(II) the State Board may make any declarations and take any actions, including recording certifications with the Secretary of State, that are necessary to support the consequences outlined in this subdivision (d)(3)(D).

(e) Repeal. This section is repealed on July 1, 2024.

*Sec. 5. WITHDRAWAL PROPOSALS ON WHICH THE STATE BOARD
HAS NOT TAKEN ACTION; ALTERNATIVE GOVERNANCE
PROPOSAL PREVIOUSLY PRESENTED*

(a) Application of this section.

(1) For purposes of this section and notwithstanding any provision of law to the contrary, the provisions of 16 V.S.A. § 724 that were in effect prior to the effective date of Sec. 3 of this act (former 16 V.S.A. § 724) are deemed to authorize withdrawal from a unified union school district created by the State Board of Education in its “Final Report of Decisions and Order on Statewide School District Merger Decisions Pursuant to Act 46, Secs. 8(b) and 10” dated November 28, 2018 (Order).

(2) This section shall apply solely to a withdrawal action initiated by a town within a union district (petitioning town) pursuant to the former 16 V.S.A.

§ 724 if each of the following actions occurred prior to the effective date of Sec. 3 of this act:

(A) the State Board created the union district in its Order;

(B) prior to issuance of the Order, the districts that merged to form the union district submitted a proposal to the Secretary of Education and the State Board setting forth the details of their self-evaluation and a proposal for an alternative governance structure pursuant to 2015 Acts and Resolves No. 46, Sec. 9 (Section 9 proposal);

(C) the voters of the petitioning town approved a proposal to withdraw from the union district;

(D) the voters of each of the other towns within the union district ratified the petitioning town's proposal to withdraw; and

(E) the State Board of Education has not approved or taken action to approve the withdrawal proposal or to declare that a new school district is reconstituted.

(b) Report and plan. At any time after the effective date of this section, but on or before the regular September 2022 State Board meeting, the self-selected representatives of the petitioning town and the board of the union district shall submit to the State Board in writing:

(1) A report explaining the ways in which the current plan of the petitioning town and the union district for operation after withdrawal conforms to or differs from the Section 9 proposal.

(2) A plan, including a timeline, identifying the actions the petitioning town and the union district have taken and will take to transition to the proposed structure and to ensure that, as of an identified operational date, the proposed new school district will be prepared to assume sole responsibility for the education of its students in prekindergarten through grade 12 in a manner that will meet educational quality standards as required by 16 V.S.A. § 165, including the actions necessary to transition to the proposed method by which supervisory union services would be provided. At a minimum, the plan and timeline should include the actions identified in subsection (d) of this section.

(c) State Board review and action.

(1) Review. The State Board shall consider the report and plan and shall provide the self-selected representatives of the petitioning town and the board of the union district an opportunity to be heard. The Board may, in its discretion, take testimony from other individuals and entities.

(2) Preparedness determination and vote to approve withdrawal. The State Board shall determine if it is likely or unlikely the proposed new school district, on the proposed operational date, will be prepared to assume full responsibility for the education of its resident students in a manner that

substantially complies with educational quality standards as required by 16 V.S.A. § 165 and also whether it is likely or unlikely that supervisory union services will be available to both the proposed new school district and the union district on the operational date. If the State Board determines preparedness is unlikely, it shall issue a written advisory statement detailing the factors underlying its conclusion, which shall be posted on its website.

Upon making its preparedness determination, the State Board shall vote to:

(A) approve the withdrawal proposal;

(B) approve any motion necessary for the withdrawal process to proceed pursuant to subsection (d) of this section, including a motion to create a new school district as of the date of the motion in order to enable the election of members to the board of the proposed new school district, negotiation and voter approval of a withdrawal agreement pursuant to the former 16 V.S.A. § 724(c), and preparation to assume full responsibility for the education of resident students on the operational date;

(C) determine or set a schedule for determining the manner in which supervisory union services will be provided to the proposed new school district and, if appropriate, the union district to be effective on the proposed new school district's operational date; and

(D) make any other findings or declarations and approve any other motions that are related and necessary to the withdrawal proposal.

(d) Actions necessary to be fully operational. After the State Board makes its determination of preparedness and approves the withdrawal process pursuant to subdivision (c)(2) of this section, then the new school district, the union district, and, if applicable, the supervisory union or unions shall take all actions necessary to be fully operational on the operational date. At a minimum, the required necessary actions shall include:

(1) election of initial school board members by the voters of the new school district, whose terms of office shall be arranged so that one each expires on the day of the second, third, and fourth annual meeting of the new school district, and whose sole responsibility until the new school district's operational date shall be to prepare for the district to assume sole responsibility for the education of resident students on that date;

(2) negotiation of the proposed financial terms of withdrawal by the board of the new school district and the board of the union district in order to comply with the requirements of the former 16 V.S.A. § 724(c);

(3) approval by the voters of each town within the union district of the negotiated proposed financial terms of withdrawal in order to comply with the requirements of the former 16 V.S.A. § 724(c);

(4) preparation of a proposed budget by the board of the new school district for the fiscal year beginning on the district's operational date, together with presentation to and approval by the district's voters prior to that date;

(5) preparation for the provision of supervisory union services to the new school district and, if applicable, for the transition of the union school district from a supervisory district structure to a supervisory union structure;
and

(6) all other actions necessary to transition from one school district to two districts and, if applicable, to transition from a supervisory district structure to a supervisory union structure, including all actions necessary to address the collectively bargained rights of employees of the current employing entity.

(e) Preparedness deemed unlikely.

(1) If the State Board determines preparedness is unlikely and issues a written advisory statement detailing the factors underlying its conclusion pursuant to subdivision (c)(2) of this section, it shall electronically transmit the advisory statement to the board of the new school district upon its election.

(2) Upon receipt of the advisory statement, the board of the new school district shall post the document on its website and schedule the contents as a topic for public discussion at a special or regular board meeting.

(3) Prior to the operational date and after public discussion and any board deliberations:

(A) The board of the new school district may continue to take all actions necessary to prepare for the realignment of duties on the operational date.

(B) On its own motion, or if petitioned to do so by at least five percent of the voters in the new school district, the board of the new school district shall warn a vote to request the State Board to reverse its declaration approving withdrawal and reconstituting the new school district. The vote shall be held before the October 1 prior to the operational date.

(i) The question shall be decided by Australian ballot.

(ii) Within 45 days after the vote or 15 days after a vote to reconsider under 17 V.S.A. § 2661, whichever is later, the clerk of the new school district shall certify the results of the vote to the Secretary of State who shall record the certificate and give notice of the vote to the clerk of the union district, the clerks of each of the other towns within the union district, and the Secretary of Education. The clerk of the new school district shall submit the certification regardless of whether the voters in the district voted to petition the State Board to reverse its declarations.

(4) If the new school district requests the State Board to take action under subdivision (3) of this subsection, then:

(A) the State Board shall reverse and void earlier declarations approving withdrawal and reconstituting the new school district and the

withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is concluded; and

(B) the union school district shall continue to be solely responsible for the education of the students residing in the town that petitioned for withdrawal; provided, however:

(i) the new school district and its board shall continue to exist for up to six months after the day on which the State Board reverses and voids its earlier declarations for the sole purpose of completing any outstanding business that cannot legally be performed by another entity; and

(ii) the State Board may make any declarations and take any actions, including recording certifications with the Secretary of State, that are necessary to support the consequences outlined in this subdivision (e)(4).

(f) Application of this section to withdrawal from a union elementary or union high school district.

(1) The processes outlined in this section shall apply to an action of a member school district to withdraw from a union elementary or union high school district if the five elements set forth in subdivisions (A)–(E) of subdivision (a)(2) are met.

(2) For purposes of applying the process in this section to withdrawal from a union elementary or union high school district under this subsection, the terms used in subsections (a) through (e) have the following meanings:

(A) “Petitioning town” means the member district of the union elementary or union high school district that initiated the withdrawal process pursuant to the provisions of 16 V.S.A. § 721a that were in effect prior to the effective date of Sec. 3 of this act.

(B) “Selectboard” means the board of the member district that initiated the withdrawal process pursuant to the provisions of 16 V.S.A. § 721a that were in effect prior to the effective date of Sec. 3 of this act.

(C) “Town within the union school district” means a member district of the union elementary or union high school district.

(g) Repeal. This section is repealed on July 1, 2024.

**Sec. 6. WITHDRAWAL PROPOSALS ON WHICH THE STATE BOARD
HAS NOT TAKEN ACTION; UNION DISTRICT CREATED BY
THE ELECTORATE**

(a) Application of this section. This section shall apply solely to a withdrawal action initiated by a town within a union district (petitioning town) pursuant to the provisions of 16 V.S.A. § 724 that were in effect prior to the effective date of Sec. 3 of this act (former 16 V.S.A. § 724) if each of the following actions occurred prior to that date:

(1) the union district formed pursuant to the provisions of 16 V.S.A. §§ 706–706j that were in effect prior to the effective date of Sec. 3 of this act;

(2) the voters of the petitioning town approved a proposal to withdraw from the union district;

(3) the voters of each of the other towns within the union district ratified the petitioning town's proposal to withdraw; and

(4) the State Board of Education has not approved or taken action to approve the withdrawal proposal or to declare that a new school district is reconstituted.

(b) Decision regarding timing of State Board review. At any time before July 1, 2022, the self-selected representatives of the petitioning town shall decide whether to begin a State Board of Education review of their withdrawal proposal in July of 2022 or July of 2023 and shall transmit their decision and proposed operational date to the State Board of Education and the clerk of the union district. The State Board shall review the withdrawal proposal only once. If the review of the withdrawal proposal occurs in 2023, the State Board may ask for updates from the self-selected members of the petitioning town on preparedness efforts prior to the final withdrawal proposal review. The decision of the State Board shall be final regardless of whether it occurs in 2022 or 2023.

(c) Report and plan. On or before the second Wednesday of July in the year in which the review will occur, the self-selected representatives of the petitioning town shall submit a written report and plan to the State Board and

shall indicate to the State Board that the documents are submitted pursuant to this section.

(1) Report. The report shall describe the analysis that has been performed by the petitioning town to evaluate the likely strengths and challenges for the proposed new school district and for the reconfigured union district if withdrawal is approved and the ways in which withdrawal would enable both districts to provide for the education of their respective resident students in a manner that will meet educational quality standards as required by 16 V.S.A. § 165. The report shall address:

(A) the educational advantages and disadvantages likely to result from withdrawal for the students in the proposed new school district and the students in the remaining towns within the union district and the ways in which they are preferable to those of continuing in the current governance structure;

(B) the financial advantages and disadvantages likely to result from withdrawal for the taxpayers in the proposed new school district and the taxpayers in the remaining towns within the union district and the ways in which they are preferable to those of continuing in the current governance structure;

(C) the likely operational and financial viability and sustainability of the proposed new school district and the union district after withdrawal of the petitioning town;

(D) any other advantages and disadvantages of withdrawal, including any advantages and disadvantages to the students and taxpayers of the region and the State; and

(E) the potential source of supervisory union services for the new school district and, if appropriate, for the union district, including discussions with the board of any supervisory union to which the petitioning town proposes assignment.

(2) Plan. The plan shall describe the actions that the petitioning town has taken and will take to ensure that, as of its proposed operational date, the proposed new district will be prepared to assume sole responsibility for the education of its students in prekindergarten through grade 12 in a manner that will meet educational quality standards as required by 16 V.S.A. § 165, including the actions necessary to transition to the proposed method by which supervisory union services would be provided. The plan shall include a timeline indicating the date by which each action will be complete. At a minimum, the plan and timeline should include the actions identified in subsection (e) of this section.

(d) State Board review and action.

(1) Review. The State Board shall consider the report and plan and shall provide the self-selected representatives of the petitioning town and the board of the union district an opportunity to be heard. The Board may, in its

discretion, take testimony from other individuals and entities. The State Board shall issue a determination of preparedness as soon as possible after receipt of the report and plan but in no event later than the September 1 of the year in which the review will occur based on the decision the self-selected representatives of the petitioning town made pursuant to subsection (b) of this section.

(2) Preparedness determination and vote to approve withdrawal. The State Board shall determine if it is likely or unlikely the proposed new school district will be prepared to assume full responsibility for the education of its resident students in a manner that substantially complies with educational quality standards as required by 16 V.S.A. § 165 and whether it is likely or unlikely that supervisory union services will be available to the proposed new school district on the operational date. If the State Board determines preparedness is unlikely, it shall issue a written advisory statement detailing the factors underlying its conclusion, which shall be posted on its website. Upon making its preparedness determination, the State Board shall vote to:

(A) approve the withdrawal proposal;

(B) approve any motion necessary for the withdrawal process to proceed pursuant to subsection (e) of this section, including a motion to create a new school district as of the date of the motion in order to enable the election of members to the board of the proposed new school district,

negotiation and voter approval of a withdrawal agreement pursuant to the former 16 V.S.A. § 724(c), and preparation to assume full responsibility for the education of resident students on the operational date;

(C) determine or set a schedule for determining the manner in which supervisory union services will be provided to the proposed new school district and, if appropriate, the union district, to be effective on the proposed new school district's operational date; and

(D) make any other findings or declarations and approve any other motions that are related and necessary to the withdrawal proposal.

(e) Actions necessary to be fully operational. After the State Board makes its determination of preparedness and approves the withdrawal process pursuant to subdivision (d)(2) of this section, then the new school district, the union district, and, if applicable, the supervisory union or unions shall take all actions necessary to be fully operational on the identified operational date. At a minimum, the required necessary actions shall include:

(1) election of initial school board members by the voters of the new school district, whose terms of office shall be arranged so that one each expires on the day of the second, third, and fourth annual meeting of the new school district and whose sole responsibility until the new school district's operational date shall be to prepare for the district to assume sole responsibility for the education of resident students on that date;

(2) negotiation by the board of the new school district and the board of the union district of the proposed financial terms of withdrawal in order to comply with the requirements of the former 16 V.S.A. § 724(c);

(3) approval by the voters of each town within the union district of the negotiated proposed financial terms of withdrawal in order to comply with the requirements of the former 16 V.S.A. § 724(c);

(4) preparation of a proposed budget by the board of the new school district for the fiscal year beginning on the district's operational date, together with presentation to and approval by the district's voters prior to that date;

(5) preparation for the provision of supervisory union services to the new school district and, if applicable, for the transition of the union school district from a supervisory district structure to a supervisory union structure;
and

(6) all other actions necessary to transition from one school district to two districts and, if applicable, to transition from a supervisory district structure to a supervisory union structure, including any actions necessary to address the collectively bargained rights of employees of the former employing entity.

(f) Preparedness deemed unlikely.

(1) If the State Board determines preparedness is unlikely and issues a written advisory statement detailing the factors underlying its conclusion

pursuant to subdivision (d)(2) of this section, it shall electronically transmit the advisory statement to the board of the new school district upon its election.

(2) Upon receipt of the advisory statement, the board of the new school district shall post the document on its website and schedule the contents as a topic for public discussion at a special or regular board meeting.

(3) Prior to the operational date and after public discussion and any board deliberations:

(A) The board of the new school district may continue to take all actions necessary to prepare for the realignment of duties on the operational date.

(B) On its own motion, or if petitioned to do so by at least five percent of the voters in the new school district, the board of the new school district shall warn a vote to request the State Board to reverse its declaration approving withdrawal and reconstituting the new school district. The vote shall be held before the October 1 prior to the operational date.

(i) The question shall be decided by Australian ballot.

(ii) Within 45 days after the vote or 15 days after a vote to reconsider under 17 V.S.A. § 2661, whichever is later, the clerk of the new school district shall certify the results of the vote to the Secretary of State who shall record the certificate and give notice of the vote to the clerk of the union district, the clerks of each of the other towns within the union district, and the

Secretary of Education. The clerk of the new school district shall submit the certification regardless of whether the voters in the district voted to petition the State Board to reverse its declarations.

(4) If the new school district requests the State Board to take action under subdivision (3) of this subsection, then:

(A) the State Board shall reverse and void earlier declarations approving withdrawal and reconstituting the new school district and the withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is concluded; and

(B) the union school district shall continue to be solely responsible for the education of the students residing in the town that petitioned for withdrawal; provided, however:

(i) the new school district and its board shall continue to exist for up to six months after the day on which the State Board reverses and voids its earlier declarations for the sole purpose of completing any outstanding business that cannot legally be performed by another entity; and

(ii) the State Board may make any declarations and take any actions, including recording certifications with the Secretary of State, that are necessary to support the consequences outlined in this subdivision (e)(4).

(g) Application of this section to withdrawal from a union elementary or union high school district.

(1) The processes outlined in this section shall apply to an action of a member school district to withdraw from a union elementary or union high school district if the four elements set forth in subdivisions (1)–(4) of subdivision (a) are met.

(2) For purposes of applying the process in this section to withdrawal from a union elementary or union high school district under this subsection, the terms used in subsections (a) through (d) of this section have the following meanings:

(A) “Petitioning town” means the member district of the union elementary or union high school district that initiated the withdrawal process pursuant to the provisions of 16 V.S.A. § 721a that were in effect prior to the effective date of Sec. 3 of this act.

(B) “Selectboard” means the board of the member district that initiated the withdrawal process pursuant to the provisions of 16 V.S.A. § 721a that were in effect prior to the effective date of Sec. 3 of this act.

(C) “Town within the union school district” means a member district of the union elementary or union high school district.

(h) Repeal. This section is repealed on July 1, 2025.

Sec. 7. WITHDRAWAL PROPOSALS; NO FINAL RATIFICATION

VOTES

(a) Application of this section. This section shall apply solely to a withdrawal action initiated by a town within a union district (petitioning town) pursuant to the provisions of 16 V.S.A. § 724 that were in effect prior to the effective date of Sec. 3 of this act (former 16 V.S.A. § 724) if each of the following actions occurred prior to that date:

(1) the union district formed pursuant to the provisions of 16 V.S.A. §§ 706–706j that were in effect prior to the effective date of Sec. 3 of this act;

(2) a vote in the petitioning town to approve a withdrawal proposal was warned to occur on or before June 1, 2022; and

(3) the voters of each of the other towns within the union district have not voted whether to ratify the withdrawal proposal prior to the effective date of this section or they each voted but the votes are not final prior to the effective date.

(b) Vote of the other towns within the union district. If the voters in the petitioning town vote to approve withdrawal, then within 90 days after the town clerks in the other towns within the union district receive notice from the Secretary of State pursuant to the former 16 V.S.A. § 724(b) that the vote in the petitioning town is final, the voters of the other towns within the union district shall vote whether to ratify the withdrawal proposal. The question shall be determined by Australian ballot and shall proceed pursuant to Sec. 3, 16 V.S.A. § 737 (warnings of unified union school district meetings) and

§§ 739–741 (vote by Australian ballot) of this act. The ballots shall not be commingled.

(1) Vote not to ratify withdrawal. If a majority of the voters in one or more towns within the union district do not vote in favor of withdrawal, then the proposed withdrawal shall not occur. The voters residing in any town within the union district may initiate new withdrawal procedures pursuant to the process set forth in Sec. 3, 16 V.S.A. § 724, of this act.

(2) Vote in favor of withdrawal. If a majority of the voters in all towns within the union district vote in favor of withdrawal, then the withdrawal process shall proceed pursuant to subsections (c)–(g) of this section.

(c) Decision regarding timing of State Board review. Within 30 days after the ratification votes of the other towns within the union district are final, the self-selected representatives of the petitioning town shall decide whether to undergo a State Board of Education review of the withdrawal proposal in 2022 or 2023 and shall transmit their decision and proposed operational date to the State Board of Education and clerk of the union district. In accordance with the decision of the self-selected representatives of the petitioning town regarding the year in which the withdrawal proposal shall be reviewed, the State Board, in consultation with the self-selected representatives, shall determine the date the final withdrawal proposal review will begin and transmit the date to the self-selected representatives of the petitioning town and

the clerk of the union school district. The State Board shall review the withdrawal proposal only once. If the review of the withdrawal proposal occurs in 2023, the State Board may ask for updates from the self-selected members of the petitioning town on preparedness efforts prior to the final withdrawal proposal review. The decision of the State Board shall be final regardless of whether it occurs in 2022 or 2023.

(d) Report and plan. On or before the date set by the State Board to begin the final withdrawal proposal review, the self-selected representatives of the petitioning town shall submit a written report and plan to the State Board and shall indicate to the State Board that the documents are submitted pursuant to this section.

(1) Report. The report shall describe the analysis that has been performed by the petitioning town to evaluate the likely strengths and challenges for the proposed new school district and for the reconfigured union district if withdrawal is approved and the ways in which withdrawal would enable both districts to provide for the education of their respective resident students in a manner that will meet educational quality standards as required by 16 V.S.A. § 165. The report shall address:

(A) the educational advantages and disadvantages likely to result from withdrawal for the students in the proposed new school district and the

students in the remaining towns within the union district and the ways in which they are preferable to those of continuing in the current governance structure;

(B) the financial advantages and disadvantages likely to result from withdrawal for the taxpayers in the proposed new school district and the taxpayers in the remaining towns within the union district and the ways in which they are preferable to those of continuing in the current governance structure;

(C) the likely operational and financial viability and sustainability of the proposed new school district and the union district after withdrawal of the petitioning town;

(D) any other advantages and disadvantages of withdrawal, including any advantages and disadvantages to the students and taxpayers of the region and the State; and

(E) the potential source of supervisory union services for the new school district and, if appropriate, for the union district, including discussions with the board of any supervisory union to which the petitioning town proposes assignment.

(2) Plan. The plan shall describe the actions that the petitioning town has taken and will take to ensure that, as of its proposed operational date, the proposed new district will be prepared to assume sole responsibility for the education of its students in prekindergarten through grade 12 in a manner that

will meet educational quality standards as required by 16 V.S.A. § 165, including the actions necessary to transition to the proposed method by which supervisory union services would be provided. The plan shall include a timeline indicating the date by which each action will be complete. At a minimum, the plan and timeline should include the actions identified in subsection (f) of this section.

(e) State Board review and action.

(1) Review. The State Board shall consider the report and plan and shall provide the self-selected representatives of the petitioning town and the board of the union district an opportunity to be heard. The Board may, in its discretion, take testimony from other individuals and entities. The State Board shall issue a determination of preparedness as soon as possible after receipt of the report and plan but in no event later than 90 days after the date set by the State Board to begin the final withdrawal proposal review.

(2) Preparedness determination and vote to approve withdrawal. The State Board shall determine if it is likely or unlikely the proposed new school district will be prepared to assume full responsibility for the education of its resident students in a manner that substantially complies with educational quality standards as required by 16 V.S.A. § 165 and whether it is likely or unlikely that supervisory union services will be available to the proposed new school district on the operational date. If the State Board determines

preparedness is unlikely, it shall issue a written advisory statement detailing the factors underlying its conclusion, which shall be posted on its website.

Upon making its preparedness determination, the State Board shall vote to:

(A) approve the withdrawal proposal;

(B) approve any motion necessary for the withdrawal process to proceed pursuant to subsection (f) of this section, including a motion to create a new school district as of the date of the motion in order to enable the election of members to the board of the proposed new school district, negotiation and voter approval of a withdrawal agreement pursuant to the former 16 V.S.A. § 724(c), and preparation to assume full responsibility for the education of resident students on the operational date;

(C) determine or set a schedule for determining the manner in which supervisory union services will be provided to the proposed new school district and, if appropriate, the union district, to be effective on the proposed new school district's operational date; and

(D) make any other findings or declarations and approve any other motions that are related and necessary to the withdrawal proposal.

(f) Actions necessary to be fully operational. After the State Board makes its determination of preparedness and approves the withdrawal process pursuant to subdivision (e)(2) of this section, then the new school district, the union district, and, if applicable, the supervisory union or unions shall take all

actions necessary to be fully operational on the identified operational date. At a minimum, the required necessary actions shall include:

(1) election of initial school board members by the voters of the new school district, whose terms of office shall be arranged so that one each expires on the day of the second, third, and fourth annual meeting of the new school district and whose sole responsibility until the new school district's operational date shall be to prepare for the district to assume sole responsibility for the education of resident students on that date;

(2) negotiation by the board of the new school district and the board of the union district of the proposed financial terms of withdrawal in order to comply with the requirements of the former 16 V.S.A. § 724(c);

(3) approval by the voters of each town within the union district of the negotiated proposed financial terms of withdrawal in order to comply with the requirements of the former 16 V.S.A. § 724(c);

(4) preparation of a proposed budget by the board of the new school district for the fiscal year beginning on the district's operational date, together with presentation to and approval by the district's voters prior to that date;

(5) preparation for the provision of supervisory union services to the new school district and, if applicable, for the transition of the union school district from a supervisory district structure to a supervisory union structure;
and

(6) all other actions necessary to transition from one school district to two districts and, if applicable, to transition from a supervisory district structure to a supervisory union structure, including any actions necessary to address the collectively bargained rights of employees of the former employing entity.

(g) Preparedness deemed unlikely.

(1) If the State Board determines preparedness is unlikely and issues a written advisory statement detailing the factors underlying its conclusion pursuant to subdivision (e)(2) of this section, it shall electronically transmit the advisory statement to the board of the new school district upon its election.

(2) Upon receipt of the advisory statement, the board of the new school district shall post the document on its website and schedule the contents as a topic for public discussion at a special or regular board meeting.

(3) Prior to the operational date and after public discussion and any board deliberations:

(A) The board of the new school district may continue to take all actions necessary to prepare for the realignment of duties on the operational date.

(B) On its own motion, or if petitioned to do so by at least five percent of the voters in the new school district, the board of the new school district shall warn a vote to request the State Board to reverse its declaration

approving withdrawal and reconstituting the new school district. The vote shall be held before the October 1 prior to the operational date.

(i) The question shall be decided by Australian ballot.

(ii) Within 45 days after the vote or 15 days after a vote to reconsider under 17 V.S.A. § 2661, whichever is later, the clerk of the new school district shall certify the results of the vote to the Secretary of State who shall record the certificate and give notice of the vote to the clerk of the union district, the clerks of each of the other towns within the union district, and the Secretary of Education. The clerk of the new school district shall submit the certification regardless of whether the voters in the district voted to petition the State Board to reverse its declarations.

(4) If the new school district requests the State Board to take action under subdivision (3) of this subsection, then:

(A) the State Board shall reverse and void earlier declarations approving withdrawal and reconstituting the new school district and the withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is concluded; and

(B) the union school district shall continue to be solely responsible for the education of the students residing in the town that petitioned for withdrawal; provided, however:

(i) the new school district and its board shall continue to exist for up to six months after the day on which the State Board reverses and voids its earlier declarations for the sole purpose of completing any outstanding business that cannot legally be performed by another entity; and

(ii) the State Board may make any declarations and take any actions, including recording certifications with the Secretary of State, that are necessary to support the consequences outlined in this subdivision (g)(4).

(h) Application of this section to withdrawal from a union elementary or union high school district.

(1) The processes outlined in this section shall apply to an action of a member school district to withdraw from a union elementary or union high school district if the four elements set forth in subdivisions (1)–(4) of subdivision (a) of this section are met.

(2) For purposes of applying the process in this section to withdrawal from a union elementary or union high school district under this subsection, the terms used in subsections (a) through (g) of this section have the following meanings:

(A) “Petitioning town” means the member district of the union elementary or union high school district that initiated the withdrawal process pursuant to the provisions of 16 V.S.A. § 721a that were in effect prior to the effective date of Sec. 3 of this act.

(B) “Selectboard” means the board of the member district that initiated the withdrawal process pursuant to the provisions of 16 V.S.A. § 721a that were in effect prior to the effective date of Sec. 3 of this act.

(C) “Town within the union school district” means a member district of the union elementary or union high school district.

(i) Repeal. This section is repealed on July 1, 2025.

*Sec. 8. TEMPORARY MORATORIUM ON UNION SCHOOL DISTRICT
SCHOOL CLOSURES*

(a) Notwithstanding any provision of law to the contrary, a union school district shall be prohibited from closing a school building within its district unless the school building closure has already been accounted for in the fiscal year 2023 school budget, the closure is necessary to protect the health and safety of students, the school district is unable to adequately staff the school building at issue, or the closure is approved by the district voters residing in the town in which the building is located. As used in this section, “closing a school building” means the district ceases to use the building to provide direct education for a majority of the grades operated within the building on or before July 1, 2022.

(b) This section is repealed on July 1, 2024.

Sec. 9. UNION SCHOOL DISTRICT CLOSURES; REPORT

On or before September 1, 2023, the Agency of Education shall issue a written report to the Senate and House Committees on Education on union school district school building closures. In preparing the report, the Agency shall consult with the State Board of Education, the Vermont School Boards Association, the Vermont Principals' Association, the Vermont Superintendents Association, the Vermont National Education Association, and the Vermont League of Cities and Towns. The Agency shall also solicit and consider comments from the public. The report shall include:

(1) an examination of examples of recent school closures, or attempted school closures, within union school districts and identification of common trends and issues;

(2) an examination of the impact school closures have had or are anticipated to have on towns or member districts seeking to withdraw from a union school district;

(3) an examination of the issues leading a school board to consider closing a school building, the options to address the issue that could be employed instead of school closure, and the impact the inability to close a school building has had or is expected to have on the union school district or any of the towns or member districts within it;

(4) an examination of the factors that should be used to determine school viability and sustainability and how those factors relate to school closure decisions;

(5) an examination of the advantages and disadvantages of creating a consistent statewide process for union school district school closures and a common definition of what actions constitute a closure;

(6) recommendations on school closure standards and processes; and

(7) recommendations for legislative action, including recommended legislative language.

*Sec. 10. UNION SCHOOL DISTRICT WITHDRAWAL; ANNUAL
REPORT*

The Agency of Education shall make an annual report to the Senate and House Committees on Education on or before January 15. The report shall include a detailed analysis of each union school district withdrawal action the Agency reviewed during the preceding year. The report shall also include any recommendations for legislative action.

Sec. 11. 16 V.S.A. § 1804 is added to read:

§ 1804. EMPLOYMENT TRANSITION; NEW SCHOOL DISTRICT

CREATED UPON WITHDRAWAL FROM A UNION SCHOOL
DISTRICT

(a) Definitions. The definitions in section 1801 of this subchapter shall not apply to this section. As used in this section:

(1) “Expanded district” means a school district:

(A) that was responsible for the education of students residing in a single town for some, but not all, grades, whether by operating all grades, tuitioning all grades, or operating some grades and paying tuition for others; and

(B) that, as the result of its withdrawal from a union elementary or union high school district pursuant to section 725 of this title, is solely responsible for the education of its resident students in all grades prekindergarten through grade 12, whether by operating all grades, tuitioning all grades, or operating some grades and paying tuition for others.

(2) “New district” means:

(A) a school district created by withdrawal from a unified union school district pursuant to section 724 of this title that is responsible for the prekindergarten through grade 12 education of students residing in a single town, whether by operating all grades, tuitioning all grades, or operating some grades and paying tuition for others;

(B) a school district responsible for the prekindergarten through grade 12 education of students residing in a single town, whether by operating all grades, tuitioning all grades, or operating some grades and paying tuition

for others, that was formed when another town's withdrawal from a unified union school district resulted in dissolution of the union district;

(C) an expanded district that did not operate any schools immediately prior to withdrawal and, after withdrawal, operates a school in one or more of the grades previously operated by the union district; or

(D) a school district created by withdrawal from a union elementary or union high school district pursuant to section 725 of this title if prior to withdrawal the withdrawing member was a member of both a union elementary school district and a union high school district, was not independently organized as a district responsible for the education of students in any grade, and did not have a town school district board.

(3) "Operational date" means the date on which a new district or an expanded district assumes full and sole responsibility for the education of its resident students in the grades for which the union district was previously responsible. "Initial operational year" and "second operational year" mean the year commencing on the operational date and the year immediately following the initial operational year, respectively.

(4) "Transitional period" means the period of time beginning on the day on which the State Board declares the creation and existence of the new district or the expanded district pursuant to subdivision 724(h)(2) or 725(h)(2)

of this title and continuing until the new district's or newly expanded district's operational date.

(b) Negotiations council and recognized representatives of a new district.

At its first meeting during the transitional period, the board of a new district shall:

(1) appoint a school board negotiations council for the new district for the purpose of negotiating with the representatives of future licensed and nonlicensed employees of the new district; and

(2) recognize the representative of the employees of the union school district as the recognized representative of the employees of the new district.

(c) Employment agreements for the initial and second operational years of a new district.

(1) After the new district's organizational meeting, the new district's school board negotiations council and the representative of the employees of the new district shall commence negotiations relating to the employment of licensed and nonlicensed employees in the initial operational year. Negotiations shall be conducted pursuant to the provisions of chapter 57 of this title for teachers and administrators and 21 V.S.A. chapter 22 for other employees. The negotiations council or councils representing employees of the union school district shall represent the employees of the new district unless

and until the exclusive representative for employees of the new district designates new representatives to a negotiations council.

(2) If the parties do not ratify a new agreement at least 90 days prior to the new district's operational date, then the new district and its employees shall be governed by the terms of the collectively bargained agreement in place for the union district for the year preceding the initial operational year unless and until the parties agree otherwise.

(d) Non-probationary employees; changes to seniority and other provisions. For each new district and its employees, whether governed by an agreement in the initial operational year pursuant to subdivision (c)(1) or (c)(2) of this section:

(1) an employee of the union district in the year preceding the initial operational year who was not a probationary employee of the union district at the conclusion of that year shall not be considered a probationary employee if employed by the new district in the initial operational year; and

(2) prior to the operational date, the board of the union district, the board of the new district, and the representative of the employees of the union district may negotiate a temporary memorandum of understanding to adjust provisions in the union district contract regarding seniority, reductions in force, layoff, and recall in order to assist the workforce needs of both the union

district and the new district and the best interests of the licensed and nonlicensed employees they employ.

(e) Individual employment contracts not covered by a collective bargaining agreement. On its operational date, the new district shall assume the obligations of each existing individual employment contract, including accrued leave and associated benefits, of any union district employee not covered by a collective bargaining agreement who worked in the building located in the new district in the year preceding the initial operational year and who chooses to continue to work in the same capacity in that building in the initial operational year.

(f) Supervisory unions. If the State Board creates a new supervisory union to provide services to the new district and one or more other school districts, then the provisions of subsections (b) through (e) of this section shall apply to the transition of any employee who was employed by the union district in the year prior to the initial operational year to provide services typically provided by a supervisory union employee, if the employee is employed by the new supervisory union in the initial operational year to provide the same services, with the board of the new supervisory union assuming the responsibilities of the board of the new district as outlined in subsections (b) through (e) of this section.

Sec. 12. APPLICATION OF EMPLOYMENT TRANSITION PROVISIONS

The provisions of Sec. 11 of this act shall also apply to any school district with an operational date of July 1, 2023 or later if the State Board of Education created the district as the result of a withdrawal action initiated pursuant to the terms of 16 V.S.A. § 721a or § 724 that were in effect on January 1, 2022.

Sec. 13. EFFECTIVE DATE

This act shall take effect on passage.