

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 ~~4~~6. ~~GENERALLY; CONTRACTS BETWEEN DISTRICTS TO~~  
15 OPERATE SCHOOLS JOINTLY

16 § 571. CONTRACTS TO CONSTRUCT AND OPERATE JOINT SCHOOLS

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

20 \* \* \*

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2 16 V.S.A. chapter 11 (union schools) is repealed on July 1, 2022.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 all  
19           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(a)(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 serve  
13 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 have  
20                  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 study  
20           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 district  
4           pursuant to section 710 of this chapter shall proceed pursuant to the provisions  
5           for commingled Australian ballot voting as set forth in subchapter 4 (union  
6           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 article  
17           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 district  
9 as an "advisable" district, as described in section 708 (necessary and advisable  
10 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 are  
13 not formal participants in the committee to discuss whether it may be advisable  
14 to include the school district within a proposal to form a new union school  
15 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.



1     § 708. STUDY COMMITTEE; NECESSARY AND ADVISABLE  
2             DISTRICTS; CONTENTS OF STUDY COMMITTEE REPORT AND  
3             PROPOSED ARTICLES; DISSOLUTION OF COMMITTEE

4             (a) Study committee; process.

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

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

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

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

19            (5) Although a study committee should try to achieve consensus,  
20            committee decisions shall be reached by a majority of all committee members  
21            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 make  
16          all subsequent decisions regarding transportation, staff, and curriculum subject  
17          to existing contracts, collective bargaining agreements, and other provisions of  
18          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 district,  
7           then its members shall vote to dissolve the committee. If the study committee  
8           members vote to dissolve, then the chair shall notify the Secretary in writing of  
9           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 the  
14          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.

1     § 709. REVIEW BY LOCAL SCHOOL DISTRICT BOARDS;

2             CONSIDERATION AND APPROVAL BY STATE BOARD OF  
3             EDUCATION

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

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

17            (c)(1) The State Board:

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

20            (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 this  
9 title, the voters of a school district have elected a district clerk who is not also  
10 the clerk of the town served by the school district, then “town clerk” means the  
11 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 (e)(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 have  
14 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 both  
4                   existing union school districts; provided, however, that the town clerk shall  
5                   transmit the name of each duly nominated candidate to the clerk of the union  
6                   school district identified in subdivision (A) of this subdivision (3), who shall  
7                   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 the  
17                   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 to  
19           the voters of the school district and shall notify the town clerks preparing the  
20           ballots for the voters of each of the other “necessary” school districts and of  
21           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 district;

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

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

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

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

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

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

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

18                  (A) Voters of each school district identified as either "necessary" or  
19                  "advisable" to formation of the proposed union school district shall file a  
20                  petition nominating a candidate for the office of union school district board

1 member allocated to the potential member district. A petition shall be valid  
2 only if:

3 (i) the candidate is a current voter of the potential member district;

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

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

9 (iv) the petition is filed with the town clerk of the school district in  
10 which the candidate resides not later than 5:00 p.m. on the sixth Monday  
11 preceding the day of the election; and

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

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

1 districts. Alternatively, at their discretion, the town clerks may meet jointly to  
2 prepare a uniform ballot.

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

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

14 (A) The voters of one or more school districts identified as  
15 “necessary” to the 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 at-large. A petition shall be valid only if:

18 (i) the candidate is a current voter of a school district identified as  
19 “necessary” to the formation of the proposed union school district;

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

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

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

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

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

16          Alternatively, at their discretion, the town clerks may meet jointly to prepare a  
17          uniform ballot.

18          (C) The voters of each “necessary” school district and of each  
19          “advisable” school district voting on formation of the proposed union school  
20          district shall vote for the board members to be elected at-large; provided,  
21          however, that ballots shall be included in the calculation of total votes cast

1 pursuant to the provisions of subdivision 714(a)(2) (calculation of votes) of  
2 this chapter.

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

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

10 The warning for each school district meeting to vote on formation of a  
11 union school district shall contain two articles in substantially the following  
12 form. The language used in Article 1 shall be the same for each “necessary”  
13 and “advisable” district voting on formation of the new district. Article II of  
14 the warning shall not include names of candidates for the union school district  
15 board.

16 WARNING

17 The voters of the \_\_\_\_\_ School District are hereby notified  
18 and warned to meet at \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to vote by  
19 Australian ballot between the hours of \_\_\_\_\_, at which time the polls will  
20 open, and \_\_\_\_\_, at which time the polls will close, upon the following articles  
21 of business:

1                    Article I. FORMATION OF UNION SCHOOL DISTRICT

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

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

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

18            (c) Union school district board. [State method by which representation of  
19 each member of the union school board is to be determined pursuant to section  
20 711 (vote to elect initial members) of this chapter.]

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

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

9                    Article II. ELECTION OF INITIAL MEMBERS OF THE UNION

10                                    SCHOOL DISTRICT BOARD

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

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

18        (b) [Insert number] Board Member[s] to serve until the third annual  
19        meeting of the union school district, in 20\_\_\_.

20        (c) [Insert number] Board Member[s] to serve until the fourth annual  
21        meeting of the union school district, in 20\_\_\_.



1     § 713. CERTIFICATION OF VOTES; DESIGNATION OF DISTRICT AS  
2             UNION SCHOOL DISTRICT; RECORDING BY SECRETARY OF  
3             STATE

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

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

15            (c) If the voters approve formation of a union school district pursuant to  
16            subsection (b) of this section, then upon receiving the certification of each  
17            clerk pursuant to subsection (a) of this section, but not sooner than 30 days  
18            after the initial vote, the Secretary shall designate the newly formed district as  
19            a union school district. The Secretary shall certify that designation and send  
20            the certification together with the clerks’ certifications to the Secretary of  
21            State, who shall record the certification.

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

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

1     § 714. INITIAL MEMBERS OF UNION SCHOOL DISTRICT BOARD;

2             TALLYING OF AT-LARGE VOTES; OATH OF OFFICE AND

3             ASSUMPTION OF DUTIES

4             (a) Tallying of at-large votes for initial members of board. If the voters  
5             have elected some or all of the initial members of the union school district  
6             board under either model involving at-large voting as set forth in subdivision  
7             711(d)(2) (proposed unified union school district; modified at-large), (d)(3)  
8             (proposed unified union school district; at-large), (e)(2) (proposed union  
9             elementary or union high school district; modified at-large), or (e)(3)  
10            (proposed union elementary or union high school district; at-large) of this  
11            chapter, then the total votes cast for each of the at-large candidates shall be  
12            calculated as follows:

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

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

1           (3) 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-in  
18           may occur prior to the organizational meeting required by section 715 of this  
19           chapter, it shall not occur before the Secretary of State files the certified copy  
20           of the recorded certification with each clerk pursuant to subsection 713(e) of  
21           this chapter. The initial board members shall assume office upon being sworn

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

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

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

11 (b) Notice.

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

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

1           (3) 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           (F) 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 the  
9           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 from  
17           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 716(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 of  
10           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 union  
10 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       (e) 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 union  
16       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 for  
20       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.

1     § 719. SUPERVISORY UNION; SUPERVISORY DISTRICT

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

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

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

18    [Sec. 720 reserved]



1                   Article 3. Changes in Union District Membership and  
2                   Other Amendments to Articles of Agreement

3           § 721. JOINING AN EXISTING UNION SCHOOL DISTRICT

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

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

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

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

19                  (4) If the voters of the union school district approve the application of  
20                  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 of  
10 agreement if the condition or agreement was set forth as a distinct subsection  
11 in the warning required by section 712 (warning on vote to establish union  
12 school district and elect initial members of the board) of this chapter to form  
13 the union school district or in a subsequent warning to amend the articles  
14 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.

1     § 723. DECISION TO VOTE BY AUSTRALIAN BALLOT

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

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

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

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

16           (1) If the voters determine that the ballots shall not be commingled for  
17    counting in this manner, then the board of civil authority of each town within  
18    the union elementary or union high school district shall count the ballots cast in  
19    that town and report that town's results to the clerk of the union elementary or  
20    union high school district, who shall calculate the total votes cast within the  
21    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 signors. 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 by  
16 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 analysis  
2           required by subsection (c) of this section, the withdrawal study committee  
3           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 to  
18                   the Secretary for review. The liaison subcommittee may also submit a report  
19                   outlining its analysis and conclusions. The Secretary shall submit the report or  
20                   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 region,  
10 the students, and the school districts, or does not align with the policy set forth  
11 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 town,  
9           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 in  
16          one or more towns within the union district do not vote in favor of withdrawal,  
17          then the proposed withdrawal shall not occur.

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

1 certified results. Each clerk shall submit the certification regardless of whether  
2 the voters in that town approved withdrawal. The withdrawal study committee  
3 shall cease to exist when each clerk has submitted a certification to the  
4 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 forth  
12 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 more  
2 towns within the union district do not vote in favor of withdrawal, then the  
3 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 arranged  
21 so that one term expires on the day of the second annual meeting of the

1 proposed new school district, one term expires on the day of the third annual  
2 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 nonvoting 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 of  
8 State records the certification of the Secretary of Education, the towns within  
9 the union district shall be adjusted accordingly; provided, however, that the  
10 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 after  
3           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 high  
6 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 union  
12           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 or  
17 more other school districts in the region and would integrate or condition any  
18 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 analysis  
9           required by subsection (c) of this section, the withdrawal study committee  
10          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 to  
7           the Secretary for review. The liaison subcommittee may also submit a report  
8           outlining its analysis and conclusions. The Secretary shall submit the report or  
9           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.



1           (3) State Board action.

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

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

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

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

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

19                           (i) issue an opinion recommending disapproval of the withdrawal  
20           proposal, including a written statement detailing the reasons supporting this  
21           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 union  
20 elementary and union high school district meetings) and 757–759 (vote by  
21 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. If  
5           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 reconsider  
9           the original vote under 17 V.S.A. § 2661, whichever is later, the clerk of each  
10          member district within the union elementary or union high school district shall  
11          certify the results of the vote to the Secretary of Education, and the Secretary  
12          shall advise the State Board of the certified results. Each clerk shall submit the  
13          certification regardless of whether the voters in that district approved  
14          withdrawal. The withdrawal study committee shall cease to exist when each  
15          clerk has submitted a certification to the Secretary.

16          (E) If the petitioning district or one of the other member districts does  
17          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 certificate 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. § 2661, 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 does  
13 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 arranged  
5 so that one term expires on the day of the second annual meeting of the  
6 proposed new school district, one term expires on the day of the third annual  
7 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 certified  
16       copy of the recorded certification with the clerk of the union elementary or  
17       union school district and the clerk for new school district. Filing a certified  
18       copy with the clerks shall be prima facie evidence of full compliance with the  
19       requirements for adjusting the union school district by withdrawal as set forth  
20       in this section.

21       (j) Timing of action.

1           (1) The voters residing in any member district within a union elementary  
2           or union high school district shall not initiate the withdrawal process set forth  
3           in this section within the first year after the latter of the operational date of a  
4           newly formed union elementary or union high school district or, if applicable,  
5           the operational date of a union elementary or union high school district  
6           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 union  
21 school district; proportional to town population) and 730(a)(1) (unified union

1 school district; Australian ballot; proportional to town population) of this  
2 chapter, then a number of members of the board holding a majority of the total  
3 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 district.

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

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

1     § 730. UNIFIED UNION SCHOOL DISTRICT BOARD MEMBERS;

2             NOMINATION AND ELECTION; BOND

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

6                 (1) Proportional to town population.

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

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

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

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

17                         (iv) the voters file the petition with the town clerk not later than  
18            5:00 p.m. on the sixth Monday preceding the day of the election; and

19                         (v) the candidate files with the town clerk a written consent to the  
20            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 shall  
8           elect as many board members as are apportioned for that term of office based  
9           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 to  
17                  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                  (3) 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 to  
6 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           (3) 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 not 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 voters  
2 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 days  
8 after learning of the vacancy. Within 30 days after providing notice and after  
9 consultation with the selectboard, the unified union school district board shall  
10 appoint an eligible person to fill the vacancy until the voters elect a successor  
11 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 board  
20 shall prepare and present a revised proposed budget pursuant to 17 V.S.A.  
21 § 2680(c)(2) (local elections; Australian ballot system; rejected budget).

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

8       § 733. ANNUAL REPORT; DATA

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

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

18       [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 length  
6           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 of  
14           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       elected 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       elected 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) (members  
7 of unified union school district boards) of this section, the newly elected board  
8 members shall assume office at the conclusion of the district's annual meeting.

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

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

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

15 § 738. CHECKLIST FOR UNION DISTRICT MEETINGS WHERE

16 VOTING IS CONDUCTED FROM THE FLOOR

17 (a) Not later than the close of business on the day before an annual or  
18 special meeting of a unified union school district, the town clerk of each town  
19 within the district shall furnish to the district clerk, at the expense of the  
20 district, authenticated copies of the checklist of legal voters within the town as  
21 the checklist appears after revisions are made pursuant to 17 V.S.A. §§ 2141–

1 2150 (elections; registration of voters). The checklist shall control for  
2 purposes of determining voter eligibility in the unified union school district.

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

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

9 § 739. CONDUCT OF VOTE IF BY AUSTRALIAN BALLOT

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

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

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

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

18 (4) The opportunity for early and absentee voting pursuant to 17 V.S.A.  
19 §§ 2531–2550 (conduct of elections; early and absentee voters) shall be  
20 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 within  
9     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 a  
15     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 to  
6 finance any project approved under sections 3447 to 3456 (State aid for capital  
7 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 its  
9 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) be elected by the voters at warned meeting pursuant to section 748  
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(e)(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 annual  
8 meeting, the union elementary or union high school district board shall elect  
9 one of its number to serve as the chair of the board and one other of its number  
10 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 board  
2 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 union  
10                  high school district ballot for each member district and shall transmit the ballot  
11                  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 only  
13 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 is  
13           a voter of a specific member district if the union district elects board members  
14           under either the “proportional to town population” model or the “modified at-  
15           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 for  
7 payment of continuing obligations and necessary expenses until a majority of  
8 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 board  
2       shall prepare a revised proposed budget pursuant to 17 V.S.A. § 2680(c)(2)  
3       (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 elected and has taken the oath of office unless the voters extend the term length  
2 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 of  
10 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 elected or appointed treasurer before the treasurer enters upon the duties of the  
20 office.

1       (g) 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 have  
4             the same authority and obligation to warn or call meetings of the district as a  
5             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 same  
13            to be published once in a newspaper circulating in the union district at least  
14            five days before the meeting. In the district clerk's absence, the chair of the  
15            board or the chair's designee shall warn the meeting pursuant to the provisions  
16            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. § 2642 (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 shall  
7 be provided to the town clerk of each town in the unified elementary or union  
8 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 of  
13           the union elementary or union high school district or by the legislative body of  
14           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 seal  
7 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 provide  
11       the board of the new school district an opportunity to be heard. The Board  
12       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 warn 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                   (I) 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 shall  
15           provide the self-selected representatives of the petitioning town and the board  
16           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, the  
21 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

1 students in the remaining towns within the union district and the ways in which  
2 they are preferable to those of continuing in the current governance 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 shall  
9 provide the self-selected representatives of the petitioning town and the board  
10 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 employing  
3 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, the  
14 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.