

1 H.493

2 Introduced by Representative Shaw of Pittsford

3 Referred to Committee on

4 Date:

5 Subject: Education; unified union school districts; union school districts;

6 withdrawal; electoral functions

7 Statement of purpose of bill as introduced: This bill proposes to permit
8 withdrawal from a unified union school district formed by order of the State
9 Board of Education under 2015 Acts and Resolves No. 46, as amended; require
10 the State Board of Education, in deciding whether to approve applications for
11 withdrawal from a unified union or union school district, to take into account
12 whether the goals of Act 46 are satisfied; and to clarify the process for
13 performing electoral functions on behalf of a union school district where a
14 member district is also a union school district.

15 An act relating to withdrawal from a unified union or union school district
16 and to electoral functions of a union school district where a member district
17 is also a union school district

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

2 Sec. 1. 16 V.S.A. § 721a is amended to read:

3 § 721a. WITHDRAWAL FROM DISTRICT

4 (a)(1) A school district that is a member of a union school district may vote
5 to withdraw from the union school district if one year has elapsed since the
6 union school district has become a body politic and corporate as provided in
7 section 706g of this title.

8 (2) The school board of the district considering withdrawal shall, by
9 majority vote at a duly warned meeting of the school board, approve a
10 withdrawal plan that explains:

11 (A) how the district's withdrawal from the union school district
12 satisfies the goals of 2015 Acts and Resolves No. 46, as amended, including
13 the provisions of the act that permit alternative structures if applicable; and

14 (B) how the board expects supervisory union services to be provided
15 if the withdrawal is successful and how the board expects those services to be
16 funded.

17 (3) The board shall distribute the withdrawal plan to the electorate not
18 less than ten days prior to the meeting of the electorate to vote on the
19 withdrawal.

20 (b)(1) When a majority of the voters of a school district that is a member of
21 a union school district present and voting at a school district meeting duly

1 warned for that purpose votes to withdraw from the union school district, the
2 vote shall be certified by the clerk of the school district to the Secretary of
3 State who shall record the certificate in ~~his or her~~ the Secretary's office and
4 give notice of the vote to the Secretary of Education and to the other members
5 of the union school district.

6 (2) Within 90 days after receiving notice, those other members shall
7 vote by Australian ballot on the same day during the same hours whether to
8 ratify withdrawal of the member. Not less than ten days prior to the meeting to
9 vote whether to ratify the withdrawal of the member, the school board of each
10 of these other member districts shall distribute the withdrawal plan to its
11 electorate. Withdrawal by a member shall be effective only if approved by an
12 affirmative vote of each of the other members of the union school district.

13 (c)(1) If the vote to ratify the withdrawal of a member is approved by each
14 of the other members, the union school district shall notify the Secretary of
15 Education who shall advise the State Board. With its notification, the union
16 school district shall include the withdrawal plan.

17 (2) At a meeting held thereafter, if the State Board finds that the
18 students in the withdrawing member will attend a school that is in compliance
19 with the rules adopted by the Board pertaining to educational programs and
20 satisfies the goals of 2015 Acts and Resolves No. 46, as amended, including
21 the provisions of the act that permit alternative structures if applicable, then the

1 State Board shall declare the membership of the withdrawing member in the
2 union school district to end as of July 1 immediately following or as soon
3 thereafter as the obligations of the withdrawing member have been paid to, or
4 an agreement made with, the union school district in an amount satisfactory to
5 the electorate of each member of the union school district.

6 (3) The State Board shall give notice to the remaining members in the
7 union of its meeting and give representatives of the remaining members an
8 opportunity to be heard. It shall then determine, taking into account whether
9 the goals of 2015 Acts and Resolves No. 46, as amended, including the
10 provisions of the act that permit alternative structures if applicable, are
11 satisfied, whether it is in the best interests of the State, the students, and the
12 members remaining in the union district for the union to continue to exist. The
13 State Board may declare the union district dissolved as of July 1 immediately
14 following or as soon thereafter as each member's obligations have been
15 satisfied, or it may declare that the union district shall continue to exist despite
16 the withdrawal of the former member.

17 (4) The State Board shall file the declaration with the Secretary of State,
18 the clerk of the withdrawing member, and the clerk of the union school district
19 ~~concerned~~.

1 (d) A vote of withdrawal taken after a union school district has become a
2 body politic and corporate as provided in section 706g of this title, but less
3 than one year after that date, shall be void.

4 Sec. 2. 16 V.S.A. § 724 is amended to read:

5 § 724. WITHDRAWAL FROM OR DISSOLUTION OF A UNIFIED
6 UNION SCHOOL DISTRICT

7 (a)(1) A town or city ~~corresponding~~ that corresponds to a preexisting
8 school district that ~~voted to form~~ is a member of a unified union school district
9 may vote to withdraw from the district if one year has elapsed since the unified
10 union school district became a body politic and corporate as provided under
11 section 706g of this title.

12 (2) The board of the town or city considering withdrawal shall, by
13 majority vote at a duly warned meeting of the board, approve a withdrawal
14 plan that explains:

15 (A) how the town's or city's withdrawal from the unified union
16 school district satisfies the goals of 2015 Acts and Resolves No. 46, as
17 amended, including the provisions of the act that permit alternative structures
18 if applicable; and

19 (B) how the board expects supervisory union services to be provided
20 if the withdrawal is successful and how the board expects those services to be
21 funded.

1 (3) The board shall distribute the withdrawal plan to the electorate not
2 less than ten days prior to the meeting of the electorate to vote on the
3 withdrawal.

4 (b)(1) When a majority of the voters of the town or city present and voting
5 at a meeting duly warned for that purpose votes to withdraw from a unified
6 union school district, the vote shall be certified by the clerk of the town or city
7 to the Secretary of State who shall record the certificate in ~~his or her~~ the
8 Secretary's office and give notice of the vote to the other towns or cities
9 ~~corresponding~~ that correspond to the preexisting school districts that ~~voted to~~
10 ~~form~~ formed the unified union school district.

11 (2) Such other towns and cities shall vote by Australian ballot on the
12 same day during the same hours whether to ratify the withdrawal of the town
13 or city. Not less than ten days prior to the meeting to vote whether to ratify the
14 withdrawal of the town or city, the board of each of these other towns and
15 cities shall distribute the withdrawal plan to its electorate. To be effective,
16 action to withdraw shall be approved by an affirmative vote of each of the
17 other towns or cities within the unified union school district.

18 (c)(1) If the vote to ratify the withdrawal of the town or city is approved by
19 each of the other towns or cities, the unified union school district clerk shall
20 notify the Secretary of Education who shall advise the State Board. With its
21 notification, the unified union school district shall include the withdrawal plan.

1 (2) At a meeting held thereafter, if the State Board finds that the
2 students in the withdrawing town or city will attend a school that is in
3 compliance with the rules adopted by the State Board pertaining to educational
4 programs and satisfies the goals of 2015 Acts and Resolves No. 46, as
5 amended, including the provisions of the act that permit alternative structures
6 if applicable, the State Board shall declare the membership of the withdrawing
7 town or city to be at an end as of July 1 immediately following or as soon
8 thereafter as the obligations of the withdrawing ~~district~~ town or city have been
9 paid to, or an agreement made with, the ~~union school~~ remaining district in an
10 amount satisfactory to the electorate of each of the other towns and cities
11 within the ~~unified union school~~ remaining district. In addition, the State Board
12 shall declare the preexisting school district corresponding to the withdrawing
13 town or city to be reconstituted.

14 (3) The State Board shall give notice to the ~~remaining~~ towns and cities
15 in the ~~unified union school~~ remaining district of its meeting and give the
16 relevant representatives an opportunity to be heard. It shall then determine,
17 taking into account whether the goals of 2015 Acts and Resolves No. 46, as
18 amended, are satisfied, including the provisions of the act that permit
19 alternative structures if applicable, whether it is in the best interests of the
20 State, the students, and the ~~school districts~~ towns and cities in the remaining ~~in~~
21 ~~the unified union school~~ district that the ~~unified union~~ remaining district

1 continue to exist. The State Board may declare the ~~unified union school~~
2 remaining district dissolved as of July 1 immediately following or as soon
3 thereafter as each remaining town's or city's obligations have been satisfied, or
4 it may declare that the ~~unified union~~ remaining district shall continue to exist
5 despite the withdrawal of the former town or city member.

6 (4) The State Board shall file its declaration with the Secretary of State,
7 the clerk of the withdrawing town or city, and the clerk of the ~~affected unified~~
8 ~~union school~~ remaining district.

9 (d) A vote of withdrawal taken after a unified union school district has
10 become a body politic and corporate as provided in section 706g of this title,
11 but less than one year after that date, is void.

12 Sec. 3. 16 V.S.A. § 708 is added to read:

13 § 708. ELECTORAL FUNCTIONS; UNION SCHOOL DISTRICT;
14 MEMBER DISTRICT THAT IS ALSO A UNION SCHOOL
15 DISTRICT

16 If a union elementary or union high school district has a member district
17 that is also a union school district, then the legislative body or appropriate
18 officer of each city, town, or incorporated village within the member union
19 school district shall perform electoral functions on behalf of the union
20 elementary or union high school district, including accepting nominations,
21 warning meetings, and conducting elections and the voting process on other

1 matters, when those functions are ordinarily performed by and in member town
2 districts on behalf of a union school district.

3 Sec. 4. EFFECTIVE DATE

4 This act shall take effect on passage.