

1 § 725. WITHDRAWAL FROM OR DISSOLUTION OF A

2 UNION ELEMENTARY OR UNION HIGH SCHOOL DISTRICT

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

4 (1) “Petitioning district” means:

5 (A) a member district of a union elementary or union high school
6 district that seeks to withdraw from the union district pursuant to the
7 provisions of this section; or

8 (B) a town that is a member of both a union elementary school
9 district and a union high school district, is not independently organized as a
10 district that is responsible for the education of students in any grade, does not
11 have a town school district board, and that seeks to withdraw from a union
12 elementary or union high school district pursuant to the provisions of this
13 section.

14 (2) “New school district” means the petitioning district once the State
15 Board has declared it to be withdrawn from the union elementary or union high
16 school district.

17 (b) Withdrawal study committee.

18 (1) To initiate the process set forth in this section, the board of the
19 petitioning district shall submit a petition to the board of the union elementary
20 or union high school district indicating its desire to withdraw the petitioning
21 district from the union district and identifying at least three board members of

1 the petitioning district who will serve on a withdrawal study committee. The
2 board of the petitioning district shall submit the petition to the board of the
3 union school district after either a vote by the board of the petitioning district
4 or receipt of a petition signed by at least five percent of the voters residing in
5 the petitioning district and five percent of the voters residing in each of the
6 other member districts within the union elementary or union high school
7 district.

8 (2) To initiate the process set forth in this section if the petitioning
9 district does not have a town school district board, the voters residing in the
10 petitioning district shall submit a petition to the board of the unified union
11 school district indicating the petitioners' desire to withdraw the petitioning
12 district from the union district. The petition shall be signed by at least five
13 percent of the voters residing in the petitioning district and five percent of the
14 voters residing in each of the other member districts within the union
15 elementary or union high school district. Appended to the petition shall be the
16 names of the three voters residing in the petitioning district to serve on a
17 withdrawal study committee and a signed statement by each of the three named
18 voters consenting to serve.

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 to explore the provision of
11 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) The superintendent shall file the withdrawal study committee's
9 report, the State Board's written recommendation, and any report of the liaison
10 subcommittee with the clerk of the union elementary or union high school
11 district and the district clerk of each of the member districts within the union
12 elementary or union high school district.

13 (B) The voters of the union elementary or union high school district,
14 including those residing in the petitioning district, shall vote whether to
15 approve withdrawal as set forth in the report. The question shall be determined
16 by Australian ballot and shall proceed pursuant to sections 755 (warnings of
17 union elementary and union high school district meetings) and 757-759 (vote
18 by Australian ballot) of this chapter.

19 (C) Withdrawal from the union elementary or union high school
20 district shall occur if the question is approved, separately, by a majority of the
21 union district voters living in each of the member districts within the union

1 elementary or union high school district, including in the petitioning district. If
2 a majority of the voters living in one or more member districts within the union
3 elementary or union high school district do not vote in favor of withdrawal,
4 then the proposed withdrawal shall not occur.

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

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

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

19 (A) The superintendent shall file the withdrawal study committee's
20 report, the State Board's written recommendation, and any report of the liaison
21 subcommittee with the clerk of the union elementary or union high school

1 district and the district clerk of each of the member districts within the union
2 elementary or union high school district.

3 (B) The union district voters residing in the petitioning district shall
4 vote whether to withdraw from the union elementary or union high school
5 district pursuant to the terms set forth in the report.

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

10 (ii) The withdrawal proposal shall proceed to a vote in each of the
11 other member districts within the union elementary or union high school
12 district if approved by at least 60 percent of the union district voters residing in
13 the petitioning district present and voting on the warned question. If this
14 percentage is not met, then the proposed withdrawal shall not occur.

15 (C) Within 45 days after the vote in subdivision (B) of this
16 subdivision (f)(2) or 15 days after a vote to reconsider the original vote under
17 17 V.S.A. § 2661, whichever is later, the clerk of the petitioning district shall
18 certify the results of the vote to the Secretary of State who shall record the
19 certificate and give notice of the vote to the clerk of the union elementary or
20 union high district, the clerks of each of the other member districts within the
21 union district, and the Secretary of Education. The clerk of the petitioning

1 district shall submit the certification regardless of whether the voters in the
2 petitioning district approved withdrawal. The withdrawal study committee
3 shall cease to exist upon submission of the certification.

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

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

15 (ii) Withdrawal from the union elementary or union high school
16 district shall occur if the question is approved, separately, by a majority of the
17 union district voters living in each of the other member districts within the
18 union elementary or union high school district. If a majority of the voters
19 living in one or more member districts within the union district do not vote in
20 favor of withdrawal, then the proposed withdrawal shall not occur.

1 (E) Within 45 days after the vote in subdivision (D) 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 each of the other member
4 districts within the union elementary or union high school district shall certify
5 the results of the vote to the Secretary of Education, and the Secretary shall
6 advise the State Board of the certified results. Each clerk shall submit the
7 certification regardless of whether the voters in that member district approved
8 withdrawal. The withdrawal study committee shall cease to exist when each
9 clerk has submitted a certification to the Secretary.

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

15 (g) Election of potential board members. If the petitioning district does not
16 have a town school district board, on the day on which they vote whether to
17 approve withdrawal, the union district voters residing in the petitioning school
18 district shall also vote for three individuals to serve as the initial members of
19 the proposed new school district's board if withdrawal is approved. The
20 nomination and election of the initial members shall proceed pursuant to
21 subdivision 748(a)(1) of this chapter (election of board members under the

1 proportional to town model by Australian ballot). The term of office for each
2 initial member shall be arranged so that one term expires on the day of the
3 second annual meeting of the proposed new school district, one term expires
4 on the day of the third annual meeting, and one term expires on the day of the
5 fourth annual meeting.

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

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

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

17 (A) the new school district shall assume full and sole responsibility
18 for the education of its resident students in the grades for which the union
19 elementary or union high school district was previously responsible on the date
20 identified in the voter-approved proposal of withdrawal; and

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

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

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

8 (iii) organizing the school board of the new school district if the
9 petitioning district did not have a town school district board;

10 (iv) preparing a proposed budget for the fiscal year beginning on
11 the identified operational date;

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

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

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

20 (i) Certification; Secretary of State. If the State Board declares it to be the
21 obligation of the new school district pursuant to subdivision (h)(2) of this

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

19 (j) Timing of action.

20 (1) The voters residing in any member district within a union elementary
21 or union high school district shall not initiate the withdrawal process set forth

1 in this section within the first year after the latter of the operational date of a
2 newly formed union elementary or union high school district or, if applicable,
3 the operational date of a union elementary or union high school district
4 adjusted pursuant to subsection (h) of this section.

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