

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 1 of 180

1 Introduced by Committee on Education

2 Date:

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

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

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

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

11 Sec. 1. 16 V.S.A. chapter 11, subchapter 1 is redesignated to be chapter 9,  
12 subchapter 6 to read:

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

15 § 571. CONTRACTS TO CONSTRUCT AND OPERATE JOINT SCHOOLS

16 \* \* \*

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

19 \* \* \*

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 2 of 180

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2 16 V.S.A. chapter 11 (union schools) is repealed on July 1, 2022.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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 3 of 180

1     § 702. DEFINITIONS

2           As used in this chapter:

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

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

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

19          (4) “Member district” means a school district, which can be a union  
20          school district, that is a member of a union elementary school district or a

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 4 of 180

1 union high school district for certain grades, prekindergarten through grade 12,  
2 and is a distinct district organized to provide for the education of its resident  
3 students for all other grades, whether by operating one or more schools or  
4 paying tuition.

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 5 of 180

1           (10) “Transitional period” means the period of time beginning on the  
2           day on which a union school district becomes a legal entity pursuant to section  
3           713 (certification of votes) of this chapter and continuing until its operational  
4           date.

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

8           (12) “Union elementary school district” and “union high school district”  
9           mean a union school district organized to provide for the education of the  
10          district’s resident students in fewer than all grades, prekindergarten through  
11          grade 12.

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

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

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

19                   (iii) paying tuition for all grades.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 6 of 180

1           (B) Use of the term “union school district” or “union district”  
2           includes a union elementary school district, union high school district, and  
3           unified union school district unless the context clearly limits it to fewer than all  
4           options.

5           (15) “Weighted voting” means a system, sometimes used in the  
6           “proportional to town population” model of union school district board  
7           membership, set forth in subdivisions 711(d)(1), 711(e)(1), 730(a)(1),  
8           748(a)(1), and 748(b)(1) of this chapter, where proportionality is achieved by  
9           assigning a different number of votes to each board member.

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

11           (a) Other education laws. The provisions of this chapter are intended to be  
12           in addition to the general provisions of law pertaining to schools, school  
13           districts, and supervisory unions. General provisions of law shall apply to  
14           union school districts unless inconsistent with or otherwise provided in this  
15           chapter.

16           (b) Existing articles of agreement.

17           (1) If a union school district joins with other school districts to form a  
18           new union school district pursuant to the provisions of sections 706–715  
19           (process of exploration, formation, and organization of a union school district)  
20           of this chapter, then the articles of agreement of the existing union school

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 7 of 180

1 district are repealed, and the articles of agreement of the new union school  
2 district shall govern.

3 (2) If a union school district joins another existing union school district  
4 pursuant to the provisions of section 721 (joining an existing union school  
5 district) of this chapter, then the articles of agreement of the joining district are  
6 repealed, and the articles of agreement of the enlarged union school district  
7 shall govern, unless the districts agree otherwise.

8 *[Secs. 704–705 reserved]*

9 Subchapter 2. Exploration, Formation, and Organization

10 Article 1. Process

11 § 706. PROPOSAL TO FORM STUDY COMMITTEE; BUDGET AND

12 MEMBERSHIP

13 (a) Establishment of committee. When the boards of two or more school  
14 districts vote to establish a study committee to study the advisability of  
15 forming a union school district or are petitioned to do so by at least five  
16 percent of voters in the school district, the boards shall meet with the  
17 superintendent or superintendents of each school district. With the advice of  
18 the superintendent or superintendents, the boards shall establish a budget for  
19 the study committee’s work and shall determine the number of persons to serve  
20 on the study committee pursuant to subsection (b) of this section.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 8 of 180

1        (b) Budget and membership. Each participating school district’s share of  
2        the established budget and membership on the study committee shall be the  
3        same as the proportion of the school district’s equalized pupils to the total  
4        equalized pupils of all school districts intending to participate formally in the  
5        study committee. As used in this subsection, “equalized pupils” has the same  
6        meaning as in section 4001 of this title.

7        (c) Existing union school districts.

8            (1) Existing union elementary or union high school district; proposed  
9        unified union school district. If the board of an existing union elementary or  
10       union high school district votes to participate in a study committee to consider  
11       formation of a unified union school district, or is petitioned by the voters to do  
12       so, then:

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

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

19            (C) If the existing union school district does not have any member  
20       districts because all towns for which it is organized are members of both a



**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 9 of 180

1 union elementary school district and a union high school district, then the  
2 existing union school district shall represent its own interests on the study  
3 committee, and the towns within it shall not participate on its behalf.

4 (D) If a town is a member of both a union elementary school district  
5 and a union high school district, is not independently organized as a district  
6 that is responsible for the education of students in any grade, and does not have  
7 a town school district board, then notwithstanding other provisions to the  
8 contrary:

9 (i) To the extent possible, the boards of the union elementary and  
10 union high school districts of which the town is a member shall make a  
11 reasonable attempt, jointly, to appoint a member to the study committee who  
12 resides in the town.

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

17 (2) Existing unified union school district; proposed unified union school  
18 district. If the board of a unified union school district votes to participate in a  
19 study committee to consider formation of a new unified union school district  
20 rather than the enlargement of the existing unified union school district

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 10 of 180

1 pursuant to section 721 (joining an existing union school district) of this  
2 chapter, or is petitioned by the voters to do so, then:

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

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

9 (C) Any warning and vote on the study committee budget pursuant to  
10 section 707 of this chapter and the warning and vote of the electorate on any  
11 resulting proposal to form a new unified union school district pursuant to  
12 section 710 shall proceed pursuant to the provisions for commingled  
13 Australian ballot voting as set forth in subchapter 3 (unified union school  
14 districts) of this chapter.

15 (3) Existing union elementary or union high school district; proposed  
16 union elementary or union high school district. If the board of an existing  
17 union elementary or union high school district votes to participate in a study  
18 committee to consider formation of a new union elementary or union high  
19 school district rather than enlarging the existing union school district pursuant

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 11 of 180

1 to section 721 (joining an existing union school district) of this chapter, or is  
2 petitioned by the voters to do so, then:

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

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

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

16 § 707. APPROVAL OF STUDY BUDGET; APPOINTMENT OF STUDY

17 COMMITTEE; PARTICIPATION

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

19 (1) If the proposed budget established in section 706 of this chapter  
20 exceeds \$50,000.00, then subject to the provisions of that section the board of

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 12 of 180

1 each potentially participating school district shall warn the district’s voters to  
2 meet at an annual or special school district meeting to vote whether to  
3 appropriate funds necessary to support the district’s financial share of a study  
4 committee’s costs. The meeting in each school district shall be warned for the  
5 same date. The warning in each school district shall contain an identical article  
6 in substantially the following form:

7 Shall the school district of \_\_\_\_\_ appropriate funds necessary  
8 to support the school district’s financial share of a study to determine the  
9 advisability of forming a union school district with some or all of the  
10 following school districts: \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_? It is  
11 estimated that the \_\_\_\_\_ school district’s share, if all of the identified  
12 school districts vote to participate, will be \$ \_\_\_\_\_ . The total  
13 proposed budget, to be shared by all participating school districts, is \$  
14 \_\_\_\_\_.”

15 (2) If the vote in subdivision (1) of this subdivision is in the affirmative  
16 in two or more school districts, then the boards of the affirming school districts  
17 shall appoint a study committee consisting of the number of persons  
18 determined pursuant to section 706 (proposed study committee budget and  
19 membership) of this chapter. At least one current board member from each  
20 participating school district shall be appointed to the study committee. The

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 13 of 180

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

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

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

8 (1) If the proposed budget established in section 706 of this chapter does  
9 not exceed \$50,000.00, then the boards of the participating school districts  
10 shall appoint a study committee consisting of the number of persons  
11 determined under that section. At least one current board member from each  
12 participating school district shall be appointed to the study committee. The  
13 board of a school district appointing more than one person to the study  
14 committee may appoint residents of the school district who are not members of  
15 the board to any of the remaining seats.

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

19 (c) Additional costs.

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 14 of 180

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

8           (2) If a proposed budget does not exceed \$50,000.00 at the time the  
9           school boards appoint members to the study committee, but the study  
10           committee later determines that its total budget is likely to exceed \$50,000.00,  
11           then the boards of all participating school districts shall obtain voter approval  
12           for the amounts exceeding \$50,000.00 in the manner set forth in subdivision  
13           (a)(1) of this section before the study committee obligates or expends funds in  
14           excess of \$50,000.00.

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

18           (e)(1) Subsequent appointments of persons to the study committee;  
19           vacancy. Subject to the requirement that each school board appoint at least  
20           one current member of the board, the board of a participating school district

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 15 of 180

1 shall appoint a person residing in the school district to the study committee if  
2 one of the school district’s seats is vacant because a study committee member:

3 (A) is no longer a member of the school district’s board and was the  
4 sole board member appointed by that school district;

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

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

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

13 (f) Formal participation in study committee.

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

17 (2) A school district shall not formally withdraw its participation in an  
18 existing study committee after the school district has appointed members to  
19 that committee until the study committee dissolves pursuant to subsection  
20 708(e) of this chapter.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 16 of 180

1        (g) Additional formal participants.

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

5            (A) the school district’s board has requested the committee’s  
6        approval to participate after either a vote of the school district’s board or a  
7        petition by five percent of the school district’s voters and if the study  
8        committee votes to approve formal participation by the district; or

9            (B) the study committee has voted to ask the school district to  
10       participate formally and either the board of the school district votes to approve  
11       formal participation or is petitioned by five percent of the school district’s  
12       voters to do so.

13           (2) A school district that becomes a formal participant in an existing  
14       study committee pursuant to this subsection is subject to the provisions of  
15       section 706 (proposed study committee budget and membership) of this  
16       chapter regarding financial and representational proportionality and to all other  
17       requirements of study committees set out in this chapter.

18        (h) Informal participation by other school districts.

19           (1) The board of a school district that is not a formal participant in an  
20       existing study committee may authorize one or more of the board’s members



**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 17 of 180

1 to contact the study committee to discuss whether it may be advisable to  
2 include the school district within a proposal to form a new union school district  
3 as an “advisable” district, as described in section 708 (necessary and advisable  
4 districts) of this chapter.

5 (2) An existing study committee may authorize one or more of its  
6 members to contact the board of one or more additional school districts that are  
7 not formal participants in the committee to discuss whether it may be advisable  
8 to include the school district within a proposal to form a new union school  
9 district as an “advisable” district.

10 (3) An existing study committee may invite representatives of a  
11 nonparticipating school district’s board to participate informally in the study  
12 committee’s deliberations.

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

16 § 708. STUDY COMMITTEE; NECESSARY AND ADVISABLE

17 DISTRICTS; CONTENTS OF STUDY COMMITTEE REPORT AND

18 PROPOSED ARTICLES; DISSOLUTION OF COMMITTEE

19 (a) Study committee; process.

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 18 of 180

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

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

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

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

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

18           (b) Necessary and advisable school districts. If a study committee decides  
19           to recommend formation of a union school district, then it shall determine

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 19 of 180

1 whether each school district included in the recommended formation is

2 “necessary” or “advisable” to formation.

3 (1) “Necessary” school district.

4 (A) The study committee shall identify a school district as

5 “necessary” to formation of the union school district only if the school district

6 is a formal participant in the study committee.

7 (B) Subject to the provisions of subsection 706(c) of this chapter, the

8 school board of a “necessary” school district is required to warn a vote of the

9 electorate under sections 710 (vote to form union school district) and 711

10 (initial members of union school district board election) of this chapter.

11 (C) A proposed union school district is formed only if the voters

12 voting in each “necessary” school district vote to approve formation.

13 (2) “Advisable” school district.

14 (A) The study committee may identify any school district as

15 “advisable” to formation of the union school district even if the school district

16 is not a formal participant in the study committee.

17 (B) The school board of an “advisable” school district is not required

18 to warn a vote of the electorate under sections 710 (vote to form union school

19 district) and 711 (initial members of union school district board election) of

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 20 of 180

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:

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 21 of 180

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.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 22 of 180

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.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 23 of 180

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.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 24 of 180

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;



**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 25 of 180

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 26 of 180

1 district identified as “necessary” or “advisable” shall vote whether to form the  
2 proposed union school district, as follows:

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

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

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

7 (4) The opportunity for early and absentee voting pursuant to 17 V.S.A.  
8 §§ 2531–2550 shall be provided.

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

12 § 711. VOTE TO ELECT INITIAL MEMBERS OF THE UNION SCHOOL  
13 DISTRICT BOARD

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

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 27 of 180

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

3           (b) Representation and term length. Initial membership on a union school  
4           district board shall be pursuant to the method of representation set forth in the  
5           articles of agreement, for the terms specified in that document, and pursuant to  
6           the provisions of this section and subdivisions 708(c)(9) and (10) (study  
7           committee; proposed articles of agreement; apportionment and terms) of this  
8           chapter.

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

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

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

18           (A) Reference to the voters of the “school district” means the voters  
19           of each town within the existing unified union school district, who shall vote at  
20           a location in their town of residence that is identified in the warning issued by

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 28 of 180

1 the existing unified union school district; provided, however, that the total of  
2 all votes cast in the towns shall determine the modified at-large and at-large  
3 election of initial board members pursuant to subdivisions (d)(2) (proposed  
4 unified union district; modified at-large), (d)(3) (proposed union district; at-  
5 large), (e)(2) (proposed union elementary or union high school district;  
6 modified-at large), and (e)(3) (proposed union elementary or union high school  
7 district; at-large) of this section, as well as whether the existing unified union  
8 school district approves formation of the new unified union school district.

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

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 29 of 180

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

5                   (i) the existing union elementary school district if the voters are  
6                   voting on a proposed unified union school district or a proposed union  
7                   elementary school district; or

8                   (ii) the existing union high school district if the voters are voting  
9                   on a proposed union high school district; and

10           (B) “town clerk” means the clerk of the town that is a member of both  
11           existing union school districts; provided, however, that the town clerk shall  
12           transmit the name of each duly nominated candidate to the clerk of the union  
13           school district identified in subdivision (A) of this subdivision (3), who shall  
14           prepare the ballot for that town and transmit the ballot to the town clerk to  
15           make available to the voters.

16           (d) Proposed unified union school district. Subject to the provisions of  
17           subsections 706(c) (existing union school districts) and 708(b) (necessary and  
18           advisable school districts) of this chapter, the voters of each school district  
19           identified as “necessary” or “advisable” shall vote whether to elect initial board  
20           members of a proposed unified union school district, as follows:

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 30 of 180

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

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

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

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

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

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

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

19           (B) The town clerk shall place the name of each duly nominated  
20 candidate on the ballot to be presented to the voters of the school district.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 31 of 180

1           (C) The voters of the school district for the town in which the  
2           candidate resides shall elect as many board members to the unified union  
3           school board as are apportioned based on the town’s population.

4           (2) Modified at-large model: allocation to town; at-large representation.  
5           When representation on the board of a proposed unified union school district is  
6           allocated to each potential town within the proposed district, but the allocation  
7           is not closely proportional to the town’s relative population and the board  
8           member is elected at-large:

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 32 of 180

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

3                   (B) Upon receipt of a petition for a unified union school district  
4 board member allocated to a potential town within the proposed district but to  
5 be elected at-large under the modified at-large model, the town clerk shall  
6 place the name of the duly nominated candidate on the ballot to be presented to  
7 the voters of the school district and shall notify the town clerks preparing the  
8 ballots for the voters of each of the other “necessary” school districts and of  
9 each “advisable” school district voting on formation of the proposed unified  
10 union school district to place the candidate’s name on the ballot presented to  
11 the voters in those districts. Alternatively, at their discretion, the town clerks  
12 may meet jointly to prepare a uniform ballot.

13                   (C) The voters of each “necessary” school district and of each  
14 “advisable” school district voting on formation of the proposed unified union  
15 school district shall vote for the board members to be elected at-large under the  
16 modified at-large model; provided, however, that ballots shall be included in  
17 the calculation of total votes cast pursuant to the provisions of subdivision  
18 714(a)(2) (calculation of votes) of this chapter.

19                   (3) At-large representation. When representation on the board of a  
20 proposed unified union school district is not apportioned or allocated to the



**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 33 of 180

1 potential towns within the proposed district pursuant to subdivision (1)  
2 (proportional to town population) or (2) (modified at-large) of this subsection  
3 and the board member is elected at-large:

4 (A) The voters of one or more school districts identified as  
5 “necessary” to formation of the proposed unified union school district shall file  
6 a petition nominating a candidate for the office of unified union school district  
7 board member at-large. A petition shall be valid only if:

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

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

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

15 (iv) the voters file the petition with the town clerk in the  
16 “necessary” school district in which the candidate resides not later than  
17 5:00 p.m. on the sixth Monday preceding the day of the election; and

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 34 of 180

1           (B) Upon receipt of a petition for a unified union school district  
2           board member elected at-large, the town clerk shall place the name of the duly  
3           nominated candidate on the ballot to be presented to the voters of the school  
4           district and shall notify the town clerks preparing the ballots for the voters of  
5           each of the other “necessary” school districts and of each “advisable” school  
6           district voting on formation of the proposed unified union school district to  
7           place the candidate’s name on the ballot presented to the voters in those  
8           districts. Alternatively, at their discretion, the town clerks may meet jointly to  
9           prepare a uniform ballot.

10           (C) The voters of each “necessary” school district and of each  
11           “advisable” school district voting on formation of the proposed unified union  
12           school district shall vote for the members to be elected at-large; provided,  
13           however, that ballots shall be included in the calculation of total votes cast  
14           pursuant to the provisions of subdivision 714(a)(2) (calculation of votes) of  
15           this chapter.

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 35 of 180

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

5                   (A) Voters of each school district identified as either “necessary” or  
6                   “advisable” to formation of the proposed union school district shall file a  
7                   petition nominating a candidate for the office of union school district board  
8                   member representing the potential member district. A petition shall be valid  
9                   only if:

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 36 of 180

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

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

6           (2) Modified at-large model: allocation to town; at-large representation.  
7           When representation on the board of a proposed union elementary or union  
8           high school district is allocated to each potential member district, but the  
9           allocation is not closely proportional to the potential member district’s relative  
10          population and the board member is elected at-large:

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 37 of 180

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 of the school district in  
5 which the candidate resides not later than 5:00 p.m. on the sixth Monday  
6 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 union school district board member  
10 allocated to a potential member district but to be elected at-large under the  
11 modified at-large mode, the town clerk shall place the name of the duly  
12 nominated candidate on the ballot to be presented to the voters of the potential  
13 member district and shall notify the town clerks preparing the ballots for the  
14 voters of each of the other “necessary” school districts and of each “advisable”  
15 school district voting on formation of the proposed union school district to  
16 place the candidate’s name on the ballot presented to the voters in those  
17 districts. Alternatively, at their discretion, the town clerks may meet jointly to  
18 prepare a uniform ballot.

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 38 of 180

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

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

10 (A) The voters of one or more school districts identified as  
11 “necessary” to the formation of the proposed union school district shall file a  
12 petition nominating a candidate for the office of union school district board  
13 member at-large. A petition shall be valid only if:

14 (i) the candidate is a current voter of a school district identified as  
15 “necessary” to the formation of the proposed union 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 one or  
19 more school districts identified as “necessary” to the formation of the proposed  
20 union school district;

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 39 of 180

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

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

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

15                   (C) The voters of each “necessary” school district and of each  
16 “advisable” school district voting on formation of the proposed union school  
17 district shall vote for the board members to be elected at-large; provided,  
18 however, that ballots shall be included in the calculation of total votes cast  
19 pursuant to the provisions of subdivision 714(a)(2) (calculation of votes) of  
20 this chapter.





**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 41 of 180

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.]

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 42 of 180

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\_\_\_.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 43 of 180

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

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

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

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

17       (c) If the voters approve formation of a union school district pursuant to  
18       subsection (b) of this section, then upon receiving the certification of each  
19       clerk pursuant to subsection (a) of this section, but not sooner than 30 days  
20       after the initial vote, the Secretary shall designate the newly formed district as

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 44 of 180

1 a union school district. The Secretary shall certify that designation and send  
2 the certification together with the clerks' certifications to the Secretary of  
3 State, who shall record the certification.

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

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 45 of 180

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.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 46 of 180

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 47 of 180

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

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

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

12 (b) Notice.

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

16 (2) The Secretary of Education shall transmit the signed warning to the  
17 superintendent, who shall post the warning in at least one public place in each  
18 town within the union school district and shall cause the warning to be  
19 published once in a newspaper of general circulation in the towns within the

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 48 of 180

1 union school district. Posting and publication shall be made not more than 40  
2 days nor less than 30 days before the date of the meeting.

3 (3) The union school district shall bear the cost of posting and  
4 publishing the warning.

5 (c) Business to be transacted.

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

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

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

15 (C) Elect a moderator of the union school district from among the  
16 voters.

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



**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 49 of 180

1           (E) Elect a treasurer of the union school district or vote to authorize  
2           the school board to appoint a treasurer of the union school district. The  
3           treasurer may also be the supervisory union treasurer and need not be a  
4           resident of the union school district.

5           (F) Determine the date and location of the union school district’s  
6           annual meeting, which shall be not earlier than February 1 nor later than June  
7           1, if not previously determined by the voter-approved articles of agreement.

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

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

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

18           (J) Determine whether to authorize the initial board of the union  
19           school district to borrow money pending receipt of payments from the  
20           Education Fund by the issuance of its note payable not later than one year from

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 50 of 180

1 the date of the note. Regardless of whether the voters provide this  
2 authorization, the initial board is authorized to borrow sufficient funds to meet  
3 pending obligations until the voters approve a budget for the initial year of  
4 operation pursuant to subdivision 716(b)(3) of this chapter.

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

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

14 (3) The elected officers listed in subdivisions (1)(A) (temporary  
15 presiding officer and temporary clerk), (C) (moderator of the union school  
16 district), (D) (clerk of the union school district), and (E) (treasurer of the union  
17 school district) of this subsection shall be sworn in before entering upon the  
18 duties of their offices and a record made by the district clerk. They shall  
19 assume office upon being sworn in. The officers listed in subdivisions (1)(C),  
20 (D), and (E) of this subsection shall serve terms as set forth in section 735

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 51 of 180

1 (unified union school districts; officers) or 753 (union elementary and union  
2 high school district; officers) of this chapter unless the voters extend the term  
3 length up to three years.

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

7 Article 2. Transition; Dissolution, Reorganization, and Discontinuation of  
8 Forming Districts; Sale of Real Property; Supervisory Unions  
9 and Supervisory Districts

10 § 716. TRANSITION TO FULL OPERATIONS

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

15 (b) Roles and authority during transitional period. During the transitional  
16 period:

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

19 (2) The board of the new union school district shall develop school  
20 district policies; adopt curriculum, educational programs, assessment

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 52 of 180

1 measures, and reporting procedures; negotiate and enter into contractual  
2 agreements; negotiate and enter into collective bargaining agreements; set the  
3 school calendar for the fiscal year that begins on the operational date; prepare  
4 and present to the voters the proposed budget for the fiscal year that begins on  
5 the operational date; prepare for the annual and any special meetings of the  
6 new union school district that may occur during the transitional period; and  
7 transact any other lawful business coming before it.

8 (3) During the transitional period and continuing until the voters  
9 approve a budget for the initial fiscal year of operation, the board of the new  
10 union school district shall have the authority to borrow sufficient funds to meet  
11 pending obligations. The board shall vote whether to include the total sum  
12 borrowed under this subsection as education spending in the board’s proposed  
13 budget for the initial fiscal year or to treat the sum as a deficit pursuant to  
14 24 V.S.A. § 1523(b) (municipal and county government; duties of selectboards  
15 as to a deficit).

16 (c) Assets.

17 (1) Definition. For purposes of this subsection, the “assets” of a  
18 forming district shall include all real and personal property, operating fund  
19 accounts, special fund accounts, trust fund accounts, accounts receivable, and

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 53 of 180

1 any other property to which the forming district holds title or over which it has  
2 control.

3 (2) Transfer and acquisition of title. On or before the operational date,  
4 the forming districts shall transfer and the union school district shall acquire  
5 ownership of all assets of the forming districts that are owned by the forming  
6 districts on or before the June 30 immediately preceding the operational date,  
7 unless the voter-approved articles of agreement explicitly provide for an  
8 alternative disposition of a specific asset. The transfer of an asset shall be  
9 subject to all encumbrances and conditions of record, unless the voter-  
10 approved articles of agreement explicitly provide otherwise.

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

17 (4) Trust funds. A union school district shall hold and apply all trust  
18 funds transferred to it by a forming district as the terms of the trust indicate. If  
19 the trust allows, a union school district may use the funds to benefit union

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 54 of 180

1 school district students who reside, or buildings that are located, outside the  
2 geographical boundaries of the forming district that originally held the trust.

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

7 (d) Liabilities.

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

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

17 (3) Prohibition. Notwithstanding the provisions of subdivision (2) of  
18 this subsection (d), a union school district shall not assume liabilities that a  
19 forming district incurs between the date on which the vote occurs pursuant to  
20 section 710 (vote to form union school district) of this chapter and the

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 55 of 180

1 operational date unless explicitly authorized in the voter-approved articles of  
2 agreement or approved by the union school district board during the  
3 transitional period; provided, however, that a union school district shall in all  
4 cases assume the contractual obligations of the member districts regarding  
5 each collective bargaining agreement or other employment contract entered  
6 into during the transitional period until the agreement’s or contract’s  
7 expiration.

8 (e) Unpaid expenses. At the district’s first annual meeting following  
9 assumption of full operations or at a later meeting as necessary, the voters of a  
10 new union school district shall vote a sum sufficient to pay any unpaid balance  
11 of expenses, as defined in subdivision 715(c)(1)(H) of this chapter, that was  
12 incurred by or on behalf of the union school district during the transitional  
13 period.

14 § 717. DISSOLUTION, REORGANIZATION, AND DISCONTINUATION

15 OF FORMING DISTRICTS

16 (a) Unified union school district; dissolution of forming districts. On its  
17 operational date, a unified union school district shall supplant all forming  
18 districts and the forming districts shall cease to exist; provided, however, that  
19 if the voter-approved articles of agreement explicitly provide for it, then the  
20 supplanted forming districts and their boards may continue to exist for up to

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 56 of 180

1 six months after the operational date for the sole purpose of completing any  
2 outstanding business that cannot legally be performed by the new unified union  
3 school district.

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

5 (1) Reorganization of forming districts. On its operational date, a union  
6 elementary or union high school district shall supplant each forming district for  
7 the grades for which the union elementary or union high school district is  
8 organized (the supplanted grades). Each forming district shall cease to be  
9 organized to provide for education in the supplanted grades but shall continue  
10 to be responsible for the other grades for which it is organized; provided,  
11 however, that if the voter-approved articles of agreement explicitly provide for  
12 it, then the forming districts and their boards may continue to exist for the  
13 supplanted grades for up to six months after the operational date for the sole  
14 purpose of completing any outstanding business that cannot legally be  
15 performed by the new union elementary or union high school district.

16 (2) Dissolution of forming districts. If a forming district is organized to  
17 provide for education solely in the grades for which the new union elementary  
18 or union high school district is organized and the forming district is a member  
19 district of another union school district for all other grades, prekindergarten  
20 through grade 12, then the forming district shall cease all educational



## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 57 of 180

1 operations on the new union district’s operational date, the new union school  
2 district shall assume all powers and responsibilities of the forming district, and  
3 the forming district shall cease to exist; provided, however, that if the voter-  
4 approved articles of agreement explicitly provide for it, then the forming  
5 district and its board may continue to operate for up to six months after the  
6 operational date for the sole purpose of completing any outstanding business  
7 that cannot legally be performed by the new union elementary or union high  
8 school district.

9 § 718. TRANSFER OF REAL PROPERTY TO TOWN IN WHICH IT IS  
10 LOCATED

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

18 (1) The conveyance to the town shall be made subject to all  
19 encumbrances of record, the assumption or payment of all outstanding bonds  
20 and notes, and the repayment of any school construction aid or grants that may

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 58 of 180

1 be required by law if any such obligation was incurred before the operational  
2 date.

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

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

10 § 719. SUPERVISORY UNION; SUPERVISORY DISTRICT

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

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 59 of 180

1        (c) If a supervisory union includes at least one district that is a unified  
2        union school district, then the State Board, on its own initiative or at the  
3        request of the board of the supervisory union or the board of one or more  
4        districts in the supervisory union, may at any time, adjust the supervisory  
5        union board representation required by section 266 of this title to more fairly  
6        and accurately reflect the relative number of students for which each district is  
7        responsible and the grades for which the district operates a school or schools.  
8        [Sec. 720 reserved]

9                    Article 3. Changes in Union District Membership and  
10                   Other Amendments to Articles of Agreement

11        § 721. JOINING AN EXISTING UNION SCHOOL DISTRICT

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

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

17                (2) If the State Board determines that it is in the best interests of the  
18        State, the students, and the districts involved and aligns with the policy set-  
19        forth in section 701 of this title for the interested school district to join the  
20        existing union school district, then at a meeting of the interested school district

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 60 of 180

1 warned for the purpose, the voters shall vote whether to apply to the existing  
2 union school district for admission.

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

7 (4) If the voters of the union school district approve the application of  
8 the school district within two years after the vote in subdivision (2) of this  
9 subsection, then the clerk of the union school district shall certify the results of  
10 the vote to the Secretary.

11 (b) Action initiated by union school district.

12 (1) After preliminary study, if the board of a union school district  
13 determines that it would be advisable to enlarge the district, then the board of  
14 the union school district shall submit a plan to the State Board requesting  
15 approval to incorporate a distinct school district into the union school district.

16 (2) If the State Board determines that it is in the best interests of the  
17 State, the students, and the districts involved and aligns with the policy set-  
18 forth in section 701 of this title for the school district to join the existing union  
19 school district, then at a union school district meeting warned for the purpose,

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 61 of 180

1 the voters shall vote whether to enlarge the union school district to include the  
2 school district.

3 (3) If the voters of the union school district approve the proposal to  
4 include the school district, then the clerk of the union school district shall  
5 certify the results of that vote to the Secretary and to the clerk of the school  
6 district.

7 (4) If the voters of the school district approve the offer to join the union  
8 school district within two years after the vote in subdivision (2) of this  
9 subsection, then the clerk of the school district shall certify the results of the  
10 vote to the Secretary.

11 (c) Certification; Secretary of State. Upon receipt of the clerk’s  
12 certification pursuant to subdivision (a)(4) (school district application  
13 approval) or (b)(5) (school district approval of offer to join the union school  
14 district) of this section, the Secretary of Education shall designate the existing  
15 union school district to be enlarged pursuant to the votes and shall certify the  
16 enlargement to the Secretary of State. When the Secretary of State records the  
17 certification of the Secretary of Education, the union school district shall be  
18 enlarged accordingly, although the union school district and the school district  
19 that will join it may decide in advance of the votes that the enlarged union  
20 school district shall have a later operational date. The Secretary of State shall

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 62 of 180

1 file a certified copy of the recorded certification with the clerks of the union  
2 school district and of the district that is joining it. The Secretary of State shall  
3 file the certified copies not later than 14 days after the date the Secretary of  
4 Education certifies the designation to the Secretary of State. Filing a certified  
5 copy with each clerk shall be prima facie evidence of full compliance with the  
6 requirements for enlarging an existing union school district as set forth in this  
7 section.

8 (d) Powers and responsibilities. A union school district enlarged pursuant  
9 to this section shall have all the powers and responsibilities given to a union  
10 school district by this title. Unless otherwise approved by the voters of the  
11 union school district and the school district that will join it, if the operational  
12 date is delayed pursuant to an agreement under subsection (c) of this section,  
13 then the joining school district shall share in the expenses of the union school  
14 district beginning on the date the Secretary of State records the certification of  
15 the Secretary of Education.

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

### 18 § 722. AMENDMENTS TO ARTICLES OF AGREEMENT

19 (a) The union school district voters. Only the voters of a union school  
20 district may amend a specific condition or agreement in the district's articles of

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 63 of 180

1 agreement if the condition or agreement was set forth as a distinct subsection  
2 in the warning required by section 712 (warning on vote to establish union  
3 school district and elect initial members of the board) of this chapter to form  
4 the union school district or in a subsequent warning to amend the articles  
5 pursuant to this section, which the voters approved.

6 (b) The union school district board. The board of a union school district  
7 may amend a specific condition or agreement in the district's articles of  
8 agreement only if the condition or agreement was not set forth as a distinct  
9 subsection in a warning required in subsection (a) of this section, but was  
10 instead incorporated into the warning by reference pursuant subsection 712(e)  
11 of this chapter (warning on vote to establish union school district and elect  
12 initial members of the board), or if the original articles of agreement or voter-  
13 approved amendments authorize the board to amend a specific condition or  
14 agreement.

15 (c) Reduction of grades operated. Notwithstanding the provisions of  
16 subsection (a) (union school district voters) of this section, the voters shall not  
17 vote whether to reduce the grades that the union school district operates, and to  
18 begin paying tuition for those grades, unless the State Board finds it is in the  
19 best interests of the State, the students, and the districts involved and aligns

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 64 of 180

1 with the policy set-forth in section 701 of this title and gives prior approval to  
2 the proposed amendment.

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

13 (e) Districts created by State Board order. Notwithstanding the provisions  
14 of subsections (a) (union school district voters) and (b) (union school district  
15 board) of this section, the authority to amend the articles governing any union  
16 school district formed by the State Board’s Final Report and Order issued on  
17 November 30, 2018 pursuant to 2015 Acts and Resolves No. 46, as amended,  
18 vests either with the electorate or the board pursuant to the provisions of  
19 Article 14, as that article was issued by the State Board or subsequently  
20 amended by the voters of the union school district.



## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 65 of 180

1        (f) Process. A vote by the voters of a union school district to amend the  
2        articles of agreement shall be by Australian ballot and shall proceed pursuant  
3        to sections 737 (warnings of unified union school district meetings) and 739–  
4        742 (vote by Australian ballot) of this chapter for unified union school districts  
5        and sections 755 (warnings of union elementary and union high school district  
6        meetings) and 757–759 (vote by Australian ballot ) for union elementary and  
7        union high school districts. The warning shall contain each proposed  
8        amendment as a distinct question to be determined separately. The provisions  
9        of this subsection shall not apply to any issue to the extent that a different  
10       section of law provides a specific amendment procedure.

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

### 14       § 723. DECISION TO VOTE BY AUSTRALIAN BALLOT

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

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 66 of 180

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 67 of 180

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

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

5       § 724. WITHDRAWAL FROM OR DISSOLUTION OF A UNIFIED

6               UNION SCHOOL DISTRICT

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

10       (b) Withdrawal study committee.

11           (1) To initiate the process set forth in this section, the voters residing in  
12 the petitioning town shall submit petitions to the clerk of the unified union  
13 school district indicating the petitioners’ desire to withdraw the petitioning  
14 town from the union district. Individual petitions shall be signed by at least  
15 five percent of the voters residing in each of the towns within the union school  
16 district, with each town having its own petition. The petitioners shall submit  
17 each petition to that town’s town clerk for verification of the voting  
18 registration status of the signors. On a form created by the Secretary of State’s  
19 Office, and appended to each petition, shall be the names of three voters  
20 residing in the petitioning town to serve on a withdrawal study committee and

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 68 of 180

1 a signed statement by each of the three named voters consenting to serve.

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

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

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

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

18 (5) The withdrawal study committee is a public body pursuant to  
19 1 V.S.A. § 310(4) and is subject to the requirements of chapter 5, subchapter 2  
20 of that title.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 69 of 180

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

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

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

9                (B) on the students remaining in the union district if withdrawal is  
10        approved;

11               (2) the educational advantages and disadvantages likely to result from  
12        the continued inclusion of the petitioning town as a town within the union  
13        district:

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

15               (B) on the students residing in the other towns within the union  
16        district;

17               (3) the financial advantages and disadvantages likely to result from the  
18        proposed withdrawal of the petitioning town from the union district:

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 70 of 180

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

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

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

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

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

9           (A) the proposed new school district; and

10          (B) the union district if withdrawal is approved;

11          (6) 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          (7) the potential source of supervisory union services for the proposed  
15 new school district, including discussions with the board of any supervisory  
16 union to which the report of the withdrawal study committee might propose  
17 assignment.

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

19           (1) Report supporting withdrawal.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 71 of 180

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 72 of 180

1 including, if applicable, the process by which the proposed new school district  
2 would explore formation of a new union school district with one or more other  
3 school districts in the region and would integrate or condition any votes to  
4 withdraw with votes on formation of a new union district;

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

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

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

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



**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 73 of 180

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.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 74 of 180

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:

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 75 of 180

1                    (i) issue an opinion recommending approval of the withdrawal

2 proposal;

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 76 of 180

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

3                    (f) Vote of the electorate.

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

5                    (A) Within 30 days after receipt of the State Board’s written  
6 recommendation, the superintendent shall file the withdrawal study  
7 committee’s report, the State Board’s written recommendation, and any report  
8 of the liaison subcommittee with the clerk of the union district and the town  
9 clerk of each town within the union district.

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

17                   (C) Withdrawal from the union district shall occur if the question is  
18 approved by a majority vote of the union district voters living in each town  
19 within the district, including the petitioning town. If a majority of the voters in

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 77 of 180

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

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

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

12 (A) The superintendent shall file the withdrawal study committee’s  
13 report, the State Board’s written recommendation, and any report of the liaison  
14 subcommittee with the clerk of the union district and with the town clerk of  
15 each town within the union district.

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 78 of 180

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

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

9                    (C) Within 45 days after the vote in subdivision (B) of this  
10 subdivision (f)(2) or 15 days after a vote to reconsider the original vote under  
11 17 V.S.A. § 2661, whichever is later, the clerk of the petitioning town shall  
12 certify the results of the vote to the Secretary of State who shall record the  
13 certificate and give notice of the vote to the clerk of the union district, the  
14 clerks of each of the other towns within the union district, and the Secretary of  
15 Education. The clerk of the petitioning town shall submit the certification  
16 regardless of whether the voters in the petitioning town approved withdrawal.  
17 The withdrawal study committee shall cease to exist upon submission of the  
18 certification.

19                    (D) If the union district voters residing in the petitioning town  
20 approve the withdrawal proposal pursuant to subdivision (B) of this

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 79 of 180

1 subdivision (f)(2), then, within 90 days after receiving notice of the  
2 certification as required in subdivision (C), the voters of the union district  
3 residing in each of the other towns shall vote on the same day whether to  
4 approve withdrawal of the petitioning town as set forth in the final report.

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

8 (ii) Withdrawal from the union district shall occur if the question  
9 is approved by a majority vote of the union district voters living in each of the  
10 other towns within the union district. If a majority of the voters in one or more  
11 towns within the union district do not vote in favor of withdrawal, then the  
12 proposed withdrawal shall not occur.

13 (E) Within 45 days after the vote in subdivision (D) of this  
14 subdivision (f)(2) or 15 days after a vote to reconsider the original vote under  
15 17 V.S.A. § 2661, whichever is later, the clerk of each of the other towns  
16 within the union district shall certify the results of the vote to the Secretary of  
17 Education, and the Secretary shall advise the State Board of the certified  
18 results. Each clerk shall submit the certification regardless of whether the  
19 voters in that town approved withdrawal. The withdrawal study committee

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 80 of 180

1 shall cease to exist when each clerk has submitted a certification to the  
2 Secretary.

3 (g) Election of potential board members. On the day on which they vote  
4 whether to approve withdrawal, the union district voters residing in the  
5 petitioning town shall also vote for three individual registered voters from the  
6 petitioning town to serve as the initial members of the proposed new school  
7 district’s board if withdrawal is approved. The nomination and election of the  
8 initial members shall proceed pursuant to subdivision 730(a)(1) of this chapter  
9 (election of board members under the proportional to town model by  
10 Australian ballot). The term of office for each initial member shall be arranged  
11 so that one term expires on the day of the second annual meeting of the  
12 proposed new school district, one term expires on the day of the third annual  
13 meeting, and one term expires on the day of the fourth annual meeting.

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

18 (1) Declare the withdrawal approved as of the date of the Board’s  
19 meeting; provided, however, that withdrawal shall not be final until the date  
20 identified in the voter-approved proposal of withdrawal.



**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 81 of 180

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

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

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

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

10                           (ii) organizing the school board of the new school district, which  
11           shall be responsible for preparing a proposed budget for the fiscal year  
12           beginning on the identified operational date;

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

15                           (iv) taking any other actions necessary, as district voters or as a  
16           school board, for the new school district to assume full responsibility for  
17           providing for the education of the district’s resident students in all grades,  
18           prekindergarten through grade 12, on the identified operational date.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 82 of 180

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

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

9                   (i) a union district serving as its own supervisory district to  
10 become a member of a multidistrict supervisory union; or

11                   (ii) a neighboring supervisory union to accept one or more  
12 additional districts that the supervisory union testifies it is not able to  
13 accommodate.

14           (B) If assigned to a multidistrict supervisory union, then the board of  
15 the new school district may appoint its members to the supervisory union  
16 board pursuant to section 266 of this title, where they may participate as  
17 nonvoting members of that board until the new school district’s operational  
18 date.

19           (i) Certification; Secretary of State. If the State Board declares the creation  
20 and existence of a new school district pursuant to subdivision (h)(2) of this

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 83 of 180

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

15 (j) Timing of action.

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 84 of 180

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

7           § 725. WITHDRAWAL FROM OR DISSOLUTION OF A

8                   UNION ELEMENTARY OR UNION HIGH SCHOOL DISTRICT

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

10           (1) “Petitioning district” means:

11                   (A) a member district of a union elementary or union high school  
12           district that seeks to withdraw from the union district pursuant to the  
13           provisions of this section; or

14                   (B) a town that is a member of both a union elementary school  
15           district and a union high school district, is not independently organized as a  
16           district that is responsible for the education of students in any grade, does not  
17           have a town school district board, and that seeks to withdraw from a union  
18           elementary or union high school district pursuant to the provisions of this  
19           section.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 85 of 180

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

4           (b) Withdrawal study committee.

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

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 86 of 180

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

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

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 87 of 180

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:

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 88 of 180

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;



**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 89 of 180

1           (4) the financial advantages and disadvantages likely to result from the  
2           continued inclusion of the petitioning district within the union elementary or  
3           union high school district:

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

5                   (B) on the taxpayers residing in the other member districts within the  
6           union district;

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

8                   (A) the proposed new school district; and

9                   (B) the union elementary or union high school district if withdrawal  
10           is approved;

11           (6) 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           (7) the potential source of supervisory union services for the proposed  
15           new district, including discussions with the board of any supervisory union to  
16           which the report of the withdrawal study committee might propose assignment  
17           or the continuation of assignment.

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

19                   (1) Report supporting withdrawal.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 90 of 180

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 elementary or  
11 union high school district in its 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 the grades  
18 for which the union elementary or union high school district is organized, in a  
19 manner that will meet educational quality standards as required by section 165  
20 of this title, and including, if applicable, the process by which the proposed

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 91 of 180

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

4 (iv) a proposal, including analysis, for the source of supervisory  
5 union services for the proposed new school district.

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

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

16 (A) the withdrawal study committee shall prepare a brief written  
17 statement explaining the reasons underlying the votes supporting and not  
18 supporting advancement, which it shall deliver electronically to the union  
19 district board and which the superintendent shall publish on the district’s  
20 website;

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 92 of 180

1           (B) 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 the written statement  
4 and to answer any questions posed by the board; and

5           (C) the withdrawal study committee shall cease to exist upon  
6 adjournment of the union elementary or union high school district board’s  
7 meeting.

8           (e) Secretary and State Board.

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

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

15           (A) shall consider the report or reports and the Secretary’s  
16 recommendations;

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

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 93 of 180

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

4           (E) may request the members of the withdrawal study committee to  
5           amend the report.

6           (3) State Board action.

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

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

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

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

19           (B) Advisory opinion with negative recommendation. If the State  
20           Board finds that the withdrawal proposal contained in the report is not in the

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 94 of 180

1 best interests of the State, the region, the students, and the school districts or  
2 does not align with the policy set forth in section 701 of this title, or both, then  
3 the State Board shall:

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

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

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

12 (f) Vote of the electorate.

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

14 (A) Within 30 days after receipt of the State Board's written  
15 recommendation, the superintendent shall file the withdrawal study  
16 committee's report, the State Board's written recommendation, and any report  
17 of the liaison subcommittee with the clerk of the union elementary or union  
18 high school district and the district clerk of each of the member districts within  
19 the union elementary or union high school district.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 95 of 180

1           (B) Within 90 days after the clerk of the union district receiving the  
2           reports and recommendations described in subdivision (A) of this subsection,  
3           the voters of the union elementary or union high school district, including  
4           those residing in the petitioning district, shall vote whether to approve  
5           withdrawal as set forth in the report. The question shall be determined by  
6           Australian ballot and shall proceed pursuant to sections 755 (warnings of union  
7           elementary and union high school district meetings) and 757–759 (vote by  
8           Australian ballot) of this chapter.

9           (C) Withdrawal from the union elementary or union high school  
10           district shall occur if the question is approved by a majority vote of the union  
11           district voters living in each of the member districts within the union  
12           elementary or union high school district, including in the petitioning district. If  
13           a majority of the voters in one or more member districts within the union  
14           elementary or union high school district do not vote in favor of withdrawal,  
15           then the proposed withdrawal shall not occur.

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

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 96 of 180

1 certification regardless of whether the voters in that district approved  
2 withdrawal. The withdrawal study committee shall cease to exist when each  
3 clerk has submitted a certification to the Secretary.

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

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

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

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

18 (i) The question shall be determined by Australian ballot and shall  
19 proceed pursuant to sections 755 (warnings of union elementary and union



**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 97 of 180

1 high school district meetings) and 757–759 (vote by Australian ballot) of this  
2 chapter.

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

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

18 (D) If the union elementary or union high school district voters  
19 residing in the petitioning district approve the withdrawal proposal pursuant to  
20 subdivision (B) of this subdivision (f)(2), then, within 90 days after receiving

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 98 of 180

1 notice of the certification as required in subdivision (C) of this subdivision  
2 (f)(2), the voters of the union elementary or union high school district residing  
3 in each of the other member districts shall vote on the same day whether to  
4 approve withdrawal of the petitioning district as set forth in the final report.

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

9 (ii) Withdrawal from the union elementary or union high school  
10 district shall occur if the question is approved by a majority vote of the union  
11 district voters living in each of the other member districts within the union  
12 elementary or union high school district. If a majority of the voters living in  
13 one or more member districts within the union district do not vote in favor of  
14 withdrawal, then the proposed withdrawal shall not occur.

15 (E) Within 45 days after the vote in subdivision (D) 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 each of the other member  
18 districts within the union elementary or union high school district shall certify  
19 the results of the vote to the Secretary of Education, and the Secretary shall  
20 advise the State Board of the certified results. Each clerk shall submit the

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 99 of 180

1 certification regardless of whether the voters in that member district approved  
2 withdrawal. The withdrawal study committee shall cease to exist when each  
3 clerk has submitted a certification to the Secretary.

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

9 (g) Election of potential board members. If the petitioning district does not  
10 have a town school district board, on the day on which they vote whether to  
11 approve withdrawal, the union district voters residing in the petitioning school  
12 district shall also vote for three individual registered voters from the  
13 petitioning district to serve as the initial members of the proposed new school  
14 district's board if withdrawal is approved. The nomination and election of the  
15 initial members shall proceed pursuant to subdivision 748(a)(1) of this chapter  
16 (election of board members under the proportional to town model by  
17 Australian ballot). The term of office for each initial member shall be arranged  
18 so that one term expires on the day of the second annual meeting of the  
19 proposed new school district, one term expires on the day of the third annual  
20 meeting, and one term expires on the day of the fourth annual meeting.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 100 of 180

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

5               (1) declare the withdrawal approved as of the date of the Board’s  
6       meeting; provided, however, that withdrawal shall not be final until the date  
7       identified in the voter-approved proposal of withdrawal;

8               (2) declare it to be the obligation of the new school district to assume  
9       responsibility for the education of its residents in the grades for which the  
10       union elementary or union high school district was previously responsible,  
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 in the grades for which the union  
14       elementary or union high school district was previously responsible on the date  
15       identified in the voter-approved proposal of withdrawal; and

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

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 101 of 180

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

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

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

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

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

14                  (3) ensure a smooth transition of supervisory services, to be effective on  
15 the district’s identified operational date.

16                  (i) Certification; Secretary of State. If the State Board declares it to be the  
17 obligation of the new school district pursuant to subdivision (h)(2) of this  
18 section to provide for the education of resident students who were formerly the  
19 responsibility of the union elementary or union high school district, then the  
20 Secretary of Education shall certify the adjustment of the member districts

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 102 of 180

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

16 (j) Timing of action.

17 (1) The voters residing in any member district within a union elementary  
18 or union high school district shall not initiate the withdrawal process set forth  
19 in this section within the first year after the latter of the operational date of a  
20 newly formed union elementary or union high school district or, if applicable,

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 103 of 180

1 the operational date of a union elementary or union high school district  
2 adjusted pursuant to subsection (h) of this section.

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

9 Subchapter 3. Unified Union School Districts

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

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

12 QUORUM AND VOTING; POWERS AND DUTIES

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

16 (1) be elected by the voters at a warned meeting of the unified union  
17 school district pursuant to sections 730 (nomination and election of unified  
18 union school district board members) and 737 (warnings of unified union  
19 school district meetings) of this title;

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 104 of 180

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

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

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

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

16           (d) Weighted voting. If weighted voting is used to achieve constitutionally  
17           required proportionality for members elected under the “proportional to town  
18           population” model described in subdivisions 711(d)(1) (proposed unified union  
19           school district; proportional to town population) and 730(a)(1) (unified union  
20           school district; Australian ballot; proportional to town population) of this



**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 105 of 180

1 chapter, then a number of members of the board holding a majority of the total  
2 number of weighted votes shall constitute a quorum, and a majority of the  
3 weighted votes cast shall be necessary and sufficient for board action.

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

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

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

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

19 § 730. UNIFIED UNION SCHOOL DISTRICT BOARD MEMBERS;

20 NOMINATION AND ELECTION; BOND

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 106 of 180

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

4                (1) Proportional to town population.

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

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

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

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

15                        (iv) the voters file the petition with the town clerk not later than  
16        5:00 p.m. on the sixth Monday preceding the day of the election; and

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 107 of 180

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;

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 108 of 180

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.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 109 of 180

1           (3) At-large representation.

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

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

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

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

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

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

19           (B) Not later than 5:00 p.m. on the sixth Monday preceding the day  
20           of the election, the town clerk of each town within the unified union school

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 110 of 180

1 district shall furnish to the district clerk, at the expense of the district,  
2 authenticated copies of the checklist of legal voters within the town as the  
3 checklist appears after revisions are made pursuant to 17 V.S.A. §§ 2141–  
4 2150.

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 111 of 180

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

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

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

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

12           § 731. VACANCY ON UNIFIED UNION SCHOOL DISTRICT BOARD

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

17           (1) Proportional to town population. If the vacancy is for a seat where  
18           membership is apportioned to a town within the unified union school district in  
19           a number that is closely proportional to the town’s relative population and only  
20           voters residing in the town elect the board member, then the clerk of the

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 112 of 180

1 unified union school district shall notify the selectboard of the town not later  
2 than five days after learning of the vacancy. Within 30 days after providing  
3 notice and after consultation with the selectboard, the unified union school  
4 district board shall appoint an eligible person to fill the vacancy until the voters  
5 elect a successor at an annual or special meeting.

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

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



**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 113 of 180

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

3           (b) Notification. Within 10 days after the appointment of a board member  
4           pursuant to this section, the district clerk of the unified union school district  
5           shall transmit the name of the appointed board member to the Secretary of  
6           State.

7           (c) Obligations and expenses.

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

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

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 114 of 180

1     § 732. UNIFIED UNION SCHOOL DISTRICT BUDGET; PREPARATION

2             AND AUTHORIZATION

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

6             (b) If the voters do not approve the board’s proposed budget, then the board  
7             shall prepare and present a revised proposed budget pursuant to 17 V.S.A.  
8             § 2680(c)(2) (local elections; Australian ballot system; rejected budget).

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

16     § 733. ANNUAL REPORT; DATA

17            (a) The board of a unified union school district shall prepare an annual  
18            report concerning the affairs of the district and have it printed and distributed  
19            to the voters of the district pursuant to the provisions of subdivision 563(10)  
20            (school districts; powers of school boards; report) of this title. The board shall

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 115 of 180

1 file the report with the unified union school district clerk and with the town  
2 clerk of each town within the district.

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

6 [Sec. 734 reserved]

7 Article 2. Unified Union School Districts – Officers, Annual Meetings,  
8 and Special Meetings

9 § 735. OFFICERS; ELECTION; TERM; VACANCY; BOND

10 (a) Officers. At an annual meeting of the unified union school district, the  
11 voters shall elect a moderator from among the registered voters of the district.  
12 The voters shall also vote to elect a clerk and a treasurer of the district;  
13 provided, however, at any annual or special meeting, the voters may vote to  
14 authorize the school board to appoint the clerk or the treasurer, or both. The  
15 clerk of the district shall be elected or appointed from among the voters. The  
16 treasurer may also be the supervisory union treasurer and need not be a  
17 resident of the union school district.

18 (b) Election.

19 (1) If an officer is elected by Australian ballot in a unified union school  
20 district, then the provisions of subdivision 730(a)(3) for election by Australian

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 116 of 180

1 ballot of at-large candidates for the unified union school district board shall  
2 apply.

3 (2) Votes cast to elect an officer shall be commingled and reported to  
4 the voters pursuant to section 742 (commingling of votes cast by Australian  
5 ballot and from the floor) of this chapter.

6 (c) Terms.

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

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

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

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 117 of 180

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

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

7        (f) Bond. The district shall ensure that its blanket bond covers a newly  
8        elected or appointed treasurer before the treasurer enters upon the duties of the  
9        office.

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

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

14       (a) Moderator. The powers, duties, and liabilities of the moderator of a  
15       unified union school district shall be the same as those of a moderator of a  
16       town school district. The moderator shall preside at each annual and special  
17       meeting of the unified union school district. In the moderator's absence, the  
18       voters shall elect a moderator pro tempore to preside.

19       (b) Clerk. The powers, duties, and liabilities of the clerk of a unified union  
20       school district shall be the same as those of a clerk of a town school district.

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 118 of 180

1 The district clerk shall keep a record of the votes and the proceedings of the  
2 union school district meetings and shall provide certified copies of them when  
3 requested.

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

7 (d) Documents. The person having custody shall provide to each newly  
8 elected or appointed officer of a unified union district all books, papers, and  
9 electronic documents of the office.

### 10 § 737. WARNINGS OF UNIFIED UNION SCHOOL DISTRICT

#### 11 MEETINGS

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

15 (b) Except as provided in subsection (f) of this section, the district clerk  
16 shall warn a unified union school district meeting pursuant to the provisions of  
17 17 V.S.A. § 2641 (town meetings and local elections; warning and notice  
18 publication) by posting a warning and notice to voters, signed by the chair of  
19 the board or the chair's designee, specifying the date, time, location, and  
20 business of the meeting, in at least one public place in each town within the

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 119 of 180

1 unified union school district, and causing the same to be published once in a  
2 newspaper circulating in the unified union school district. In the district  
3 clerk’s absence, the chair of the board or the chair’s designee shall warn the  
4 meeting pursuant to the provisions of this section.

5 (c) The warning shall, by separate articles, specifically indicate the  
6 business to be transacted, to include the offices and the questions upon which  
7 the electorate shall vote. The warning shall also contain any article or articles  
8 requested by a petition signed by at least five percent of the voters of the  
9 district and filed with the district clerk pursuant to 17 V.S.A. § 2642 (town  
10 meetings and local elections; warning and notice contents).

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 120 of 180

1           (A) The district clerk shall transmit the signed warning to each town  
2 clerk.

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

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

7           (2) Notwithstanding any provision of law to the contrary, if any town  
8 within the unified union school district elects its selectboard members by  
9 Australian ballot, then the warning, nomination, ballot preparation, and  
10 election of unified union school district board members shall proceed pursuant  
11 to the same laws that govern the town.

12           (3) If an annual town meeting at which the board members are elected  
13 under this subsection is more than 30 days prior to the annual meeting of the  
14 unified union school district, then notwithstanding subsection 729(a) (members  
15 of unified union school district boards) of this section, the newly elected board  
16 members shall assume office at the conclusion of the district’s annual meeting.

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

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



**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 121 of 180

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

3           § 738. CHECKLIST FOR UNION DISTRICT MEETINGS WHERE  
4           VOTING IS CONDUCTED FROM THE FLOOR

5           (a) Not later than the close of business on the day before an annual or  
6 special meeting of a unified union school district, the town clerk of each town  
7 within the district shall furnish to the district clerk, at the expense of the  
8 district, authenticated copies of the checklist of legal voters within the town as  
9 the checklist appears after revisions are made pursuant to 17 V.S.A. §§ 2141–  
10 2150 (elections; registration of voters). The checklist shall control for  
11 purposes of determining voter eligibility in the unified union school district.

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

15           (c) This section shall not apply to a meeting warned pursuant to subsection  
16 737(f) (unified union school district meetings; proportional to town population;  
17 floor vote) of this chapter.

18           § 739. CONDUCT OF VOTE IF BY AUSTRALIAN BALLOT

19           For any vote that proceeds by Australian ballot in a unified union school  
20 district:

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 122 of 180

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

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

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

7           (4) The opportunity for early and absentee voting pursuant to 17 V.S.A.  
8           §§ 2531–2550 (conduct of elections; early and absentee voters) shall be  
9           provided.

### 10           § 740. PREPARATION AND FORM OF AUSTRALIAN BALLOT

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

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

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

### 19           § 741. COUNTING OF AUSTRALIAN BALLOTS

20           (a) Process.

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 123 of 180

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

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

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

17           (4) The ballots shall be counted as soon as possible, but not later than  
18           24 hours after the time at which the polls closed.

19           (5) If ballots are to be counted on the day following the election, then  
20           the clerk of each town within the unified union school district shall store the

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 124 of 180

1 ballots in a secure location in the town until they are transported on the  
2 following day to the central location designated by the district clerk for  
3 counting.

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

6 (b) Applicability. The counting of Australian ballots cast by voters in a  
7 unified union school district for the election of members of the district board,  
8 for the election of district officers, for proposed budgets, and for any other  
9 public questions shall proceed pursuant to the provisions of this section, except  
10 when:

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

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

17 (3) the articles of agreement as initially approved by the voters on or  
18 before July 1, 2019 explicitly provide that the board of civil authority of each  
19 town within the unified union school district shall count Australian ballots cast  
20 in that town and report that town's results to the district clerk, who shall

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 125 of 180

1 calculate total votes cast within the unified union school district and report the  
2 result of the vote to the public.

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

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

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

10 (c) Applicability. The commingling and reporting of votes cast by voters  
11 in a unified union school district for the election of members of the district  
12 board, for the election of district officers, for proposed budgets, and for any  
13 other public question shall proceed pursuant to the provisions of this section  
14 regardless of whether the votes proceeds by Australian ballot or by a floor  
15 vote, except when:

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

18 (2) the ballots have been cast to elect a unified union school district  
19 board member where membership on the board is apportioned based on town

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 126 of 180

1 population pursuant to subdivision 730(a)(1) (unified union school district;  
2 Australian ballot; proportional to town population) of this chapter; or  
3 (3) the articles of agreement as initially approved by the voters on or  
4 before July 1, 2019 explicitly provide that the board of civil authority of each  
5 town within the unified union school district shall count Australian ballots cast  
6 in that town and report that town’s results to the district clerk, who shall  
7 calculate total votes cast within the unified union school district and report the  
8 result of the vote to the public.

9 § 743. BOND ISSUES; DEBT LIMIT

10 (a) A unified union school district may make improvements, as defined by  
11 24 V.S.A. § 1751 (municipal and county government; indebtedness  
12 definitions), and may incur indebtedness for improvements as provided in 24  
13 V.S.A. chapter 53, subchapter 1 (municipal and county government;  
14 indebtedness generally).

15 (b) The debt limit of the unified union school district shall be 10 times the  
16 total of the education grand lists of the towns within the unified union school  
17 district. The existing indebtedness of a unified union school district incurred to  
18 finance any project approved under sections 3447 to 3456 (State aid for capital  
19 construction costs) of this title shall not be considered a part of the

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 127 of 180

1 indebtedness of the unified union school district for purposes of determining its  
2 debt limit for a new proposed bond issue.

3 (c) Bond issues under this section shall be determined by Australian ballot  
4 and shall proceed pursuant to sections 737 (warnings of unified union school  
5 district meetings) and 739–742 (vote by Australian ballot) of this subchapter.

6 The ballots shall be commingled before counting.

7 [Sec. 744 reserved]

8 Subchapter 4. Union Elementary School Districts and

9 Union High School Districts

10 § 745. DEFINITIONS

11 As used in this subchapter, words have the meaning as defined in section  
12 702 (definitions) of this title and any words not defined in that section have  
13 their plain meaning, except:

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

18 (2) Town clerk.

19 (A) If, pursuant to section 425 (other town school district officers) of  
20 this title, the voters of a member district have elected a district clerk who is not

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 128 of 180

1 also the clerk of the town, then “town clerk” means the elected clerk of that  
2 member district.

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

7 [Sec. 746 reserved]

8 Article 1. Union Elementary and Union High School Districts – Boards and  
9 Board Members

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

11 QUORUM AND VOTING; POWERS AND DUTIES

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

15 (1) be elected by the voters at warned meeting pursuant to section 748  
16 (union elementary and union high school district board members) of this  
17 chapter;

18 (2) assume office upon election, except as provided in subdivision  
19 755(f)(3) (warnings of union elementary and union high school district  
20 meetings) of this chapter; and



**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 129 of 180

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

2           (b) Term. A member elected at an annual meeting shall serve for a term of  
3           three years or until the member’s successor is elected and has taken the oath of  
4           office. A member elected at a special meeting shall serve for the balance of  
5           the term remaining.

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

13           (d) Weighted voting. If weighted voting is used to achieve constitutionally  
14           required proportionality for members elected under the “proportional to town  
15           population” model set out in subdivisions 711(e)(1) (proposed union  
16           elementary or union high school district; proportional to town population) and  
17           748(a)(1) (union elementary and union high school district board members;  
18           Australian ballot; proportional to town population) of this chapter, then a  
19           number of members of the board holding a majority of the total number of

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 130 of 180

1 weighted votes shall constitute a quorum, and a majority of the weighted votes  
2 cast shall be necessary and sufficient for board action.

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

7 (f) Powers, duties, and liabilities. The powers, duties, and liabilities of a  
8 union elementary or union high school district board, board chair, and board  
9 clerk shall be the same as those of a board, board chair, and board clerk of a  
10 town school district.

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

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

20 § 748. UNION ELEMENTARY AND UNION HIGH SCHOOL DISTRICT

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 131 of 180

1                   BOARD MEMBERS; NOMINATION AND ELECTION; BOND

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

5                   (1) Proportional to town population.

6                   (A) When membership on the board of a union elementary or union  
7                   high school district is apportioned to each member district in a number that is  
8                   closely proportional to the member district’s relative population, the voters of  
9                   the member district may file a petition nominating a candidate for board  
10                  membership. A petition is valid only if:

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

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

14                   (iii) the petition is signed by at least 30 voters residing in the  
15                  member district or one percent of the legal voters in that district, whichever is  
16                  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.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 132 of 180

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

5           (C) The union district clerk shall prepare a union elementary or union  
6           high school district ballot for each member district and shall transmit the ballot  
7           to the town clerk to make available to the voters residing in the member  
8           district.

9           (D) The voters of the member district shall elect as many board  
10           members as are apportioned for that term of office on the union elementary or  
11           union high school district board based on the population of the member  
12           district.

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

14           (A) When membership on the board of a union elementary or union  
15           high school district is allocated to each member district, but the allocation is  
16           not closely proportional to the member district’s population and the board  
17           member is elected at-large, the voters residing in any one or more of the  
18           member districts may file a petition nominating a candidate for board  
19           membership under the “modified at-large” model. A petition is valid only if:

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 133 of 180

1                   (i) the candidate is a current voter of the member district to which  
2 the seat is allocated;

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

5                   (iii) the petition is signed by at least 60 voters residing in the  
6 union elementary or union high school district;

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

10                   (v) the candidate files with the union district clerk a written  
11 consent to the printing of the candidate’s name on the ballot.

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

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 134 of 180

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

4           (3) At-large representation.

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

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

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

16                   (iii) the petition is signed by at least 60 voters residing in the  
17                   union elementary or union high school district;

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 135 of 180

1                   (v) the candidate files with the union district clerk a written  
2                   consent to the printing of the candidate’s name on the ballot.

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

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

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

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

18                  (1) The nomination and election of candidates for the office of union  
19                  elementary or union high school district board member shall occur at a warned  
20                  meeting of the union school district; provided, however, if the union district

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 136 of 180

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

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

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

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

16 (d) Notification. Within 10 days after the election of a board member  
17 pursuant to this section, the union elementary or union high school district  
18 clerk shall transmit the name of the newly elected board member to the  
19 Secretary of State.



**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 137 of 180

1     § 749. VACANCY ON UNION ELEMENTARY OR UNION HIGH

2             SCHOOL DISTRICT BOARD

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

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

19            (2) Modified at-large model: allocation to town; at-large representation.  
20            If the vacancy is for a seat where membership is allocated to a member district

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 138 of 180

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

12 (3) At-large representation. If the vacancy is for a seat that is neither  
13 apportioned nor allocated to a member district pursuant to subdivision (1)  
14 (proportional to town population) or (2) (modified at-large) of this subsection  
15 and the board member is elected at-large, then within 30 days after creation of  
16 the vacancy the union elementary or union high school district board shall  
17 appoint a person who is otherwise eligible to serve as a member of the board to  
18 fill the vacancy until the voters elect a successor at an annual or special  
19 meeting pursuant to the provisions of section 748 (union elementary and union  
20 high school district board members) of this chapter.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 139 of 180

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 140 of 180

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.

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 141 of 180

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.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 142 of 180

1 [Sec. 752 reserved]

2 Article 2. Union Elementary and Union High School Districts – Officers,  
3 Annual Meetings, and Special Meetings

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

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

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

18 (c) Terms.

19 (1) Moderator. A moderator elected at an annual meeting pursuant to  
20 this section shall assume office on July 1 following the election, unless the

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 143 of 180

1 voters vote at an annual meeting for the moderator to assume office upon  
2 election. A moderator shall serve a term of one year or until a successor is  
3 elected and has taken the oath of office unless the voters extend the term length  
4 up to three years.

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

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

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

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

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 144 of 180

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 union elementary or union high  
6        school district shall transmit the name of the officer to the Secretary of State.

### 7        § 754. OFFICERS; POWERS, DUTIES, AND LIABILITIES

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

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



**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 145 of 180

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

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

7        § 755. WARNINGS OF UNION ELEMENTARY AND UNION HIGH

8                SCHOOL DISTRICT MEETINGS

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

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

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 146 of 180

1 board or the chair’s designee shall warn the meeting pursuant to the provisions  
2 of this section.

3 (c) The warning shall, by separate articles, specifically indicate the  
4 business to be transacted, including the offices and the questions upon which  
5 the electorate shall vote. The warning shall also contain any article or articles  
6 requested by a petition signed by at least five percent of the voters of the  
7 district and filed with the district clerk pursuant to 17 V.S.A. § 2642 (town  
8 meetings and local elections; warning and notice contents).

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 147 of 180

1           (A) The district clerk shall transmit the signed warning to each town  
2 clerk.

3           (B) The district clerk shall assist each town clerk to incorporate the  
4 warning into the warning for the annual or special meeting of each member  
5 district.

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

9           (2) Notwithstanding any provision of law to the contrary, if any member  
10 district elects its own board members by Australian ballot, then the warning,  
11 nomination, ballot preparation, and election of union school district board  
12 members shall proceed pursuant to the same laws that govern the member  
13 district.

14           (3) If an annual meeting of a member district at which the union district  
15 board members are elected under this subsection is more than 30 days prior to  
16 the annual meeting of the union school district, then notwithstanding  
17 subsection 747(a) (board members of union elementary and union high school  
18 districts) of this chapter, the newly elected board members shall assume office  
19 at the conclusion of the union school district’s annual meeting.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 148 of 180

1        (g) Notwithstanding any provision of this section to the contrary, a union  
2        elementary or union high school district:

3                (1) shall warn a meeting called for the purpose of considering a bond  
4        issue in accordance with the provisions of 24 V.S.A. § 1755; and

5                (2) shall warn a meeting to consider a revised proposed budget pursuant  
6        to the provisions of subsection 750(b) (union elementary or union high school  
7        district revised proposed budget) of this chapter.

8        § 756. UNION DISTRICT MEETINGS CONDUCTED FROM THE FLOOR

9                (a) Not later than the close of business on the day before the meeting, the  
10        town clerk of each member district of a union elementary or union high school  
11        district shall furnish to the union district clerk, at the expense of the union  
12        district, authenticated copies of the checklist of legal voters within the member  
13        district as the checklist appears after revisions are made pursuant to 17 V.S.A.  
14        §§ 2141–2150 (registration of voters). The checklist shall control for purposes  
15        of determining voter eligibility in the union elementary or union high school  
16        district.

17                (b) During the annual or special meeting, one or more members of each  
18        town’s board of civil authority shall assist the union district clerk to determine  
19        voter eligibility and to supervise voting during the meeting.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 149 of 180

1       (c) Votes cast at an annual or special meeting shall be commingled and  
2       shall not be counted according to the town in which a voter resides.

3       (d) The provisions of this section shall apply to all votes of the electorate in  
4       a union elementary or union high school district that do not proceed by  
5       Australian ballot; provided, however:

6             (1) They shall not apply if Vermont statute explicitly permits or requires  
7             a different method for a specific type of question presented to the voters.

8             (2) They shall not apply to a vote warned pursuant to subsection 755(f)  
9             (warnings of union elementary and union high school district meetings;  
10            members elected under proportional to town population model and by floor  
11            vote) of this chapter.

12       (e) If a person who resides in a member district and is otherwise eligible to  
13       vote at a union elementary or union high school district meeting has not  
14       maintained residence in the member district for the requisite number of days  
15       but resided in another member district of the union elementary or union high  
16       school district for the requisite number of days, then the town clerk of the  
17       member district in which the person currently resides shall enter such person's  
18       name on the checklist of legal voters if the person presents to that town clerk a  
19       certificate signed by the town clerk of the member district in which the person

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 150 of 180

1 formally resided confirming that the person lived within the union elementary  
2 or union high school district for the requisite number of days.

3 § 757. CONDUCT OF VOTE IF BY AUSTRALIAN BALLOT

4 In any vote that proceeds by Australian ballot in a union elementary or  
5 union high school district:

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

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

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

12 (4) The opportunity for early and absentee voting pursuant to 17 V.S.A.  
13 §§ 2531–2550 (conduct of elections; early or absentee voters) shall be  
14 provided.

15 § 758. PREPARATION AND FORM OF AUSTRALIAN BALLOT

16 (a) The clerk of a union elementary or union high school district shall  
17 prepare the ballot for any vote that proceeds by Australian ballot in the union  
18 school district.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 151 of 180

1        (b) Only questions warned by the union elementary or union high school  
2        district and presented to the voters of that district shall appear on a ballot  
3        prepared pursuant to subsection (a) of this section.

4        (c) Warned questions of the union elementary or union high school district  
5        shall not appear on the same ballot as questions warned by a member district of  
6        the union elementary or union high school district or by the legislative body of  
7        a town within the union elementary or union high school district.

8        § 759. COUNTING AND REPORTING RESULTS OF VOTE BY

9                AUSTRALIAN BALLOT

10        (a) Process if commingled. If the voters have approved the commingling  
11        of votes cast by Australian ballot for any or all categories of public questions,  
12        including elections and budget votes, or if Vermont law requires commingling,  
13        then the following process applies to those votes except to the extent that  
14        Vermont law explicitly requires a different process for a specific type of public  
15        question.

16                (1) At least two members of the board of civil authority of each town  
17        within a union elementary or union high school district, or two election  
18        officials appointed by the board of civil authority of that town, shall transport  
19        ballots cast in the member district in a sealed container to a central location  
20        designated by the clerk of the union elementary or union high school district.

## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 152 of 180

1           (2) The boards of civil authority shall not count the ballots for purposes  
2           of determining the outcome of the votes cast in the member district prior to  
3           transporting them but may open the containers and count the total number of  
4           ballots cast at that polling location.

5           (3) The union elementary or union high school district clerk or designee  
6           shall supervise representatives of the boards of civil authority to count ballots  
7           at the central location. The union elementary or union high school district  
8           clerk shall also have the authority to appoint current union elementary or union  
9           high school district board members who are not on the ballot to aid in the  
10           counting of ballots

11           (4) The ballots shall be counted as soon as possible, but not later than  
12           24 hours after the time at which the polls closed.

13           (5) If ballots are to be counted on the day following the election, then  
14           the clerk of each member district shall store the ballots in a secure location  
15           until they are transported on the following day to the central location  
16           designated by the union district clerk for counting.

17           (6) Ballots from all member districts shall be combined into a single  
18           group before counting and shall not be counted according to the member  
19           district or town in which a voter resides.



## DRAFT

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 153 of 180

1           (7) After the ballots have been counted, the union district clerk shall seal  
2           them in a secure container and store them for at least 90 days at a secure  
3           location.

4           (8) The union district clerk shall report the commingled results of votes  
5           cast within the union elementary or union high school district to the public.

6           (b) Process if not commingled. If the voters have not approved the  
7           commingling of votes cast by Australian ballot for budgets, elections, or any  
8           other category of public question, and if Vermont law does not require  
9           commingling, then the following process applies to those votes except to the  
10           extent that Vermont law explicitly requires a different process for a specific  
11           type of public question.

12           (1) The board of civil authority of each town within the union  
13           elementary or union high school district shall count Australian ballots cast in  
14           the member district and report the results to the clerk of the union district.

15           (2) The clerk of the union district shall calculate total votes cast within  
16           the union district for any vote that requires approval by the electorate of the  
17           entire union elementary or union high school district, rather than approval by  
18           the voters in one member district or by the voters in each member district  
19           separately.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 154 of 180

1           (3) The union district shall report to the public the results of total votes  
2           cast; provided, however, that both the union district clerk and the clerk of each  
3           member school district shall report the results of ballots cast to elect a union  
4           school district board member where membership on the board is apportioned  
5           based on town population pursuant to subdivision 748(a)(1) of this chapter.

6           § 760. BOND ISSUES; DEBT LIMIT

7           (a) A union elementary or union high school district may make  
8           improvements, as defined by 24 V.S.A. § 1751, and may incur indebtedness  
9           for the improvements as provided in 24 V.S.A. chapter 53, subchapter 1.

10           (b) The debt limit of the union elementary or union high school district  
11           shall be 10 times the total of the education grand lists of the member districts  
12           of the union school district. The existing indebtedness of a union elementary  
13           or union high school district incurred to finance any project approved under  
14           sections 3447 to 3456 of this title shall not be considered a part of the  
15           indebtedness of the union elementary or union high school district for purposes  
16           of determining its debt limit for a new proposed bond issue. An obligation  
17           incurred by a union elementary or union high school district pursuant to this  
18           chapter shall be the joint and several obligation of the union school district and  
19           each of its member districts. Any joint or several obligation incurred by a

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 155 of 180

1 member district pursuant to this subsection shall not be considered in  
2 determining the debt limit for the separate purposes of the member district.

3 (c) Bond issues under this section shall be determined by Australian ballot  
4 and shall proceed pursuant to sections 755 (warnings of union elementary  
5 school district and union high school district meetings) and 757–759 (vote by  
6 Australian ballot) of this subchapter. Ballots shall be commingled before  
7 counting.

8 [Secs. 761–762 reserved]

9 Subchapter 5. Districts Formed Pursuant to Prior Laws

10 § 763. RATIFICATION; ARTICLES OF AGREEMENT; APPLICATION  
11 OF CHAPTER

12 (a) Each union school district in existence on July 1, 2022, is ratified and  
13 subject to the provisions of this chapter 11, regardless of whether the district  
14 was formed by an affirmative vote of the electorate or by the State Board as  
15 part of its “Final Report of Decisions and Order on Statewide School District  
16 Merger Decisions Pursuant to [2015 Acts and Resolves No.] 46, Sections 8(b)  
17 and 10” dated November 28, 2018 (the Order).

18 (b) References in this chapter 11 to articles of agreement initially adopted  
19 by the voters shall also mean articles of agreement as issued by the State Board  
20 as part of the Order.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 156 of 180

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 govern  
5        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.

20       Sec. 4. WITHDRAWAL ACTIONS APPROVED BY STATE BOARD;

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 157 of 180

1           NEW DISTRICTS WITH AN OPERATIONAL DATE ON OR  
2           AFTER JULY 1, 2023

3           (a) Application of this section. This section shall apply solely to a  
4           withdrawal action initiated pursuant to the provisions of 16 V.S.A. § 724 that  
5           were in effect prior to the effective date of Sec. 3 of this act (former 16 V.S.A  
6           § 724), if each of the following actions occurred prior to that effective date:

7           (1) the State Board of Education gave final approval to the voter-  
8           approved and voter-ratified proposal to withdraw from the union school  
9           district;

10           (2) the State Board declared a new school district to be reconstituted;

11           (3) the State Board established the new school district’s operational date  
12           as July 1, 2023 or after;

13           (4) the voters of the new school district elected school board members;

14           (5) the voters of the towns within the union district voted to approve the  
15           financial terms of withdrawal negotiated by the boards of the new school  
16           district and the union district; and

17           (6) the State Board charged the new school district and its board with  
18           performing the transitional activities necessary to assume sole responsibility  
19           for the education of resident students on the identified operational date.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 158 of 180

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

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 159 of 180

1 supervisory union or unions shall continue to take all actions necessary to  
2 prepare for the realignment of duties on the operational date.

3 (3) Preparedness deemed unlikely.

4 (A) If the State Board determines there is a reasonable risk that the  
5 new district will not be able to be prepared, on the operational date, to assume  
6 full responsibility for the education of its resident students in a manner that  
7 substantially complies with educational quality standards as required by  
8 16 V.S.A. § 165, and to ensure the provision of supervisory union services,  
9 then the Board shall issue a written advisory statement detailing the factors  
10 underlying its conclusion, which it shall post on its website and transmit  
11 electronically to the board of the new school district.

12 (B) Upon receipt of an advisory opinion pursuant to subdivision  
13 (c)(3)(A) of this section, the board of the new school district shall post the  
14 document on its website and schedule the contents as a topic for public  
15 discussion at a special or regular board meeting.

16 (C) Prior to the operational date and after public discussion and any  
17 board deliberations:

18 (i) the board of the new school district may continue to take all  
19 actions necessary to prepare for the realignment of duties on the operational  
20 date; or

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 160 of 180

1                   (ii) on its own motion, or if petitioned to do so by at least five  
2                   percent of the voters in the new school district, the board of the new school  
3                   district shall warn a vote to request the State Board to reverse its declaration  
4                   approving withdrawal and reconstituting the new school district. The vote  
5                   shall be held before the October 1 prior to the operational date.

6                   (I) The question shall be decided by Australian ballot.

7                   (II) Within 45 days after the vote or 15 days after a vote to  
8                   reconsider under 17 V.S.A. § 2661, whichever is later, the clerk of the new  
9                   school district shall certify the results of the vote to the Secretary of State who  
10                   shall record the certificate and give notice of the vote to the clerk of the union  
11                   district, the clerks of each of the other towns within the union district, and the  
12                   Secretary of Education. The clerk of the new school district shall submit the  
13                   certification regardless of whether the voters in the district voted to petition the  
14                   State Board to reverse its declarations.

15                   (D) If the new school district requests the State Board to take action  
16                   under subdivision (C) of this subsection (c), then:

17                   (i) the State Board shall reverse and void earlier declarations  
18                   approving withdrawal and reconstituting the new school district and the  
19                   withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is  
20                   concluded; and



**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 161 of 180

1                   (ii) the union school district shall continue to be solely responsible  
2 for the education of the students residing in the town that petitioned for  
3 withdrawal; provided, however:

4                   (I) the new school district and its board shall continue to exist  
5 for up to six months after the day on which the State Board reverses and voids  
6 its earlier declarations for the sole purpose of completing any outstanding  
7 business that cannot legally be performed by another entity; and

8                   (II) the State Board may make any declarations and take any  
9 actions, including recording certifications with the Secretary of State, that are  
10 necessary to support the consequences outlined in this subdivision (c)(3)(D).

11                   (d) Repeal. This section is repealed on July 1, 2023.

12                   Sec. 5. WITHDRAWAL PROPOSALS ON WHICH THE STATE BOARD  
13                   HAS NOT TAKEN ACTION; ALTERNATIVE GOVERNANCE  
14                   PROPOSAL PREVIOUSLY PRESENTED

15                   (a) Application of this section.

16                   (1) For purposes of this section and notwithstanding any provision of  
17 law to the contrary, the provisions of 16 V.S.A. § 724 that were in effect prior  
18 to the effective date of Sec. 3 of this Act (former 16 V.S.A. § 724) are deemed  
19 to authorize withdrawal from a unified union school district created by the  
20 State Board of Education in its “Final Report of Decisions and Order on

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 162 of 180

1 Statewide School District Merger Decisions Pursuant to Act 46, Secs. 8(b) and  
2 10” dated November 28, 2018 (Order).

3 (2) This section shall apply solely to a withdrawal action initiated by a  
4 town within a union district (petitioning town) pursuant to the former  
5 16 V.S.A. § 724 if each of the following actions occurred prior to the effective  
6 date of Sec. 3 of this act:

7 (A) the State Board created the union district in its Order;

8 (B) prior to issuance of the Order, the districts that merged to form  
9 the union district submitted a proposal to the Secretary of Education and the  
10 State Board setting forth the details of their self-evaluation and a proposal for  
11 an alternative governance structure pursuant to 2015 Acts and Resolves  
12 No. 46, Sec. 9 (Section 9 proposal);

13 (C) the voters of the petitioning town approved a proposal to  
14 withdraw from the union district;

15 (D) the voters of each of the other towns within the union district  
16 ratified the petitioning town’s proposal to withdraw; and

17 (E) the State Board of Education has not approved or taken action to  
18 approve the withdrawal proposal or to declare that a new school district is  
19 reconstituted.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 163 of 180

1        (b) Report and plan. At any time after the effective date of this section, but  
2        on or before the regular September 2022 State Board meeting, the self-selected  
3        representatives of the petitioning town and the board of the union district shall  
4        submit to the State Board in writing:

5                (1) a report explaining the ways in which the current plan of the  
6        petitioning town and the union district for operation after withdrawal conforms  
7        to or differs from the Section 9 proposal; and

8                (2) a plan, including a timeline, identifying the actions the petitioning  
9        town and the union district have taken and will take to transition to the  
10        proposed structure and to ensure that, as of an identified operational date, the  
11        proposed new school district will be prepared to assume sole responsibility for  
12        the education of its students in prekindergarten through grade 12 in a manner  
13        that will meet educational quality standards as required by 16 V.S.A. § 165,  
14        including the actions necessary to transition to the proposed method by which  
15        supervisory union services would be provided. At a minimum, the plan and  
16        timeline should include the actions identified in subsection (d) of this section.

17        (c) State Board review and action.

18                (1) Review. The State Board shall consider the report and plan and shall  
19        provide the self-selected representatives of the petitioning town and the board

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 164 of 180

1 of the union district an opportunity to be heard. The Board may, in its  
2 discretion, take testimony from other individuals and entities.

3 (2) Preparedness determination and vote to approve withdrawal. The  
4 State Board shall determine if it is likely or unlikely the proposed new school  
5 district, on the proposed operational date, will be prepared to assume full  
6 responsibility for the education of its resident students in a manner that  
7 substantially complies with educational quality standards as required by  
8 16 V.S.A. § 165 and also whether it is likely or unlikely that supervisory union  
9 services will be available to both the proposed new school district and the  
10 union district on the operational date. If the State Board determines  
11 preparedness is unlikely, it shall issue a written advisory statement detailing  
12 the factors underlying its conclusion, which shall be posted on its website.

13 Upon making its preparedness determination, the State Board shall vote to:

14 (A) approve the withdrawal proposal;

15 (B) approve any motion necessary for the withdrawal process to  
16 proceed pursuant to subsection (d) of this section, including a motion to create  
17 a new school district as of the date of the motion in order to enable the election  
18 of members to the board of the proposed new school district, negotiation and  
19 voter approval of a withdrawal agreement pursuant to the former 16 V.S.A.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 165 of 180

1     § 724(c), and preparation to assume full responsibility for the education of  
2     resident students on the operational date;

3             (C) determine or set a schedule for determining the manner in which  
4     supervisory union services will be provided to the proposed new school district  
5     and, if appropriate, the union district to be effective on the proposed new  
6     school district’s operational date; and

7             (D) make any other findings or declarations and approve any other  
8     motions that are related and necessary to the withdrawal proposal.

9             (d) Actions necessary to be fully operational. After the State Board makes  
10    its determination of preparedness and approves the withdrawal process  
11    pursuant to subdivision (c)(2) of this section, then the new school district, the  
12    union district, and, if applicable, the supervisory union or unions shall take all  
13    actions necessary to be fully operational on the operational date. At a  
14    minimum, the required necessary actions shall include:

15             (1) election of initial school board members by the voters of the new  
16    school district, whose terms of office shall be arranged so that one each expires  
17    on the day of the second, third, and fourth annual meeting of the new school  
18    district, and whose sole responsibility until the new school district’s  
19    operational date shall be to prepare for the district to assume sole responsibility  
20    for the education of resident students on that date;

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 166 of 180

1           (2) negotiation of the proposed financial terms of withdrawal by the  
2           board of the new school district and the board of the union district in order to  
3           comply with the requirements of the former 16 V.S.A. § 724(c);

4           (3) approval by the voters of each town within the union district of the  
5           negotiated proposed financial terms of withdrawal in order to comply with the  
6           requirements of the former 16 V.S.A. § 724(c);

7           (4) preparation of a proposed budget by the board of the new school  
8           district for the fiscal year beginning on the district’s operational date, together  
9           with presentation to and approval by the district’s voters prior to that date;

10           (5) preparation for the provision of supervisory union services to the  
11           new school district and, if applicable, for the transition of the union school  
12           district from a supervisory district structure to a supervisory union structure;  
13           and

14           (6) all other actions necessary to transition from one school district to  
15           two districts and, if applicable, to transition from a supervisory district  
16           structure to a supervisory union structure, including all actions necessary to  
17           address the collectively bargained rights of employees of the current  
18           employing entity.

19           (e) Preparedness deemed unlikely.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 167 of 180

1           (1) If the State Board determines preparedness is unlikely and issues a  
2 written advisory statement detailing the factors underlying its conclusion  
3 pursuant to subdivision (c)(2) of this section, it shall electronically transmit the  
4 advisory statement to the board of the new school district upon its election.

5           (2) Upon receipt of the advisory statement, the board of the new school  
6 district shall post the document on its website and schedule the contents as a  
7 topic for public discussion at a special or regular board meeting.

8           (3) Prior to the operational date and after public discussion and any  
9 board deliberations:

10           (A) the board of the new school district may continue to take all  
11 actions necessary to prepare for the realignment of duties on the operational  
12 date; or

13           (B) on its own motion, or if petitioned to do so by at least five  
14 percent of the voters in the new school district, the board of the new school  
15 district shall warn a vote to request the State Board to reverse its declaration  
16 approving withdrawal and reconstituting the new school district. The vote  
17 shall be held before the October 1 prior to the operational date.

18           (i) The question shall be decided by Australian ballot.

19           (ii) Within 45 days after the vote or 15 days after a vote to  
20 reconsider under 17 V.S.A. § 2661, whichever is later, the clerk of the new

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 168 of 180

1 school district shall certify the results of the vote to the Secretary of State who  
2 shall record the certificate and give notice of the vote to the clerk of the union  
3 district, the clerks of each of the other towns within the union district, and the  
4 Secretary of Education. The clerk of the new school district shall submit the  
5 certification regardless of whether the voters in the district voted to petition the  
6 State Board to reverse its declarations.

7 (4) If the new school district requests the State Board to take action  
8 under subdivision (3) of this subsection, then:

9 (A) the State Board shall reverse and void earlier declarations  
10 approving withdrawal and reconstituting the new school district and the  
11 withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is  
12 concluded; and

13 (B) the union school district shall continue to be solely responsible  
14 for the education of the students residing in the town that petitioned for  
15 withdrawal; provided, however:

16 (i) the new school district and its board shall continue to exist for  
17 up to six months after the day on which the State Board reverses and voids its  
18 earlier declarations for the sole purpose of completing any outstanding  
19 business that cannot legally be performed by another entity; and



**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 169 of 180

1                   (ii) the State Board may make any declarations and take any  
2                   actions, including recording certifications with the Secretary of State, that are  
3                   necessary to support the consequences outlined in this subdivision (e)(4).

4                   (f) Application of this section to withdrawal from a union elementary or  
5                   union high school district.

6                   (1) The processes outlined in this section shall apply to an action of a  
7                   member school district to withdraw from a union elementary or union high  
8                   school district if the five elements set forth in subdivisions (A)–(E) of  
9                   subdivision (a)(2) are met.

10                   (2) For purposes of applying the process in this section to withdrawal  
11                   from a union elementary or union high school district under this subsection, the  
12                   terms used in subsections (a) through (e) have the following meanings:

13                   (A) “Petitioning town” means the member district of the union  
14                   elementary or union high school district that initiated the withdrawal process  
15                   pursuant to the provisions of 16 V.S.A. § 721a that were in effect prior to the  
16                   effective date of Sec. 3 of this act.

17                   (B) “Selectboard” means the board of the member district that  
18                   initiated the withdrawal process pursuant to the provisions of 16 V.S.A. § 721a  
19                   that were in effect prior to the effective date of Sec. 3 of this act.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 170 of 180

1           (C) “Town within the union school district” means a member district  
2 of the union elementary or union high school district.

3           (g) Repeal. This section is repealed on July 1, 2024.

4           Sec. 6. WITHDRAWAL PROPOSALS ON WHICH THE STATE BOARD  
5           HAS NOT TAKEN ACTION; UNION DISTRICT CREATED BY  
6           THE ELECTORATE

7           (a) Application of this section. This section shall apply solely to a  
8 withdrawal action initiated by a town within a union district (petitioning town)  
9 pursuant to the provisions of 16 V.S.A. § 724 that were in effect prior to the  
10 effective date of Sec. 3 of this act (former 16 V.S.A. § 724) if each of the  
11 following actions occurred prior to that date:

12           (1) the union district formed pursuant to the provisions of 16 V.S.A.  
13 §§ 706–706j that were in effect prior to the effective date of Sec. 3 of this act;

14           (2) the voters of the petitioning town approved a proposal to withdraw  
15 from the union district;

16           (3) the voters of each of the other towns within the union district ratified  
17 the petitioning town’s proposal to withdraw; and

18           (4) the State Board of Education has not approved or taken action to  
19 approve the withdrawal proposal or to declare that a new school district is  
20 reconstituted.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 171 of 180

1        (b) Report and plan. At any time after the effective date of this section, but  
2        on or before the regular September 2022 State Board meeting, the self-selected  
3        representatives of the petitioning town shall submit a written report and plan to  
4        the State Board.

5            (1) Report. The report shall describe the analysis that has been  
6        performed by the petitioning town to evaluate the likely strengths and  
7        challenges for the proposed new school district and for the reconfigured union  
8        district if withdrawal is approved and the ways in which withdrawal would  
9        enable both districts to provide for the education of their respective resident  
10       students in a manner that will meet educational quality standards as required  
11       by 16 V.S.A. § 165. The report shall address:

12            (A) the educational advantages and disadvantages likely to result  
13        from withdrawal for the students in the proposed new school district and the  
14        students in the remaining towns within the union district and the ways in which  
15        they are preferable to those of continuing in the current governance structure;

16            (B) the financial advantages and disadvantages likely to result from  
17        withdrawal for the taxpayers in the proposed new school district and the  
18        taxpayers in the remaining towns within the union district and the ways in  
19        which they are preferable to those of continuing in the current governance  
20        structure;

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 172 of 180

1           (C) the likely operational and financial viability and sustainability of  
2           the proposed new school district and the union district after withdrawal of the  
3           petitioning town;

4           (D) any other advantages and disadvantages of withdrawal, including  
5           any advantages and disadvantages to the students and taxpayers of the region  
6           and the State; and

7           (E) the potential source of supervisory union services for the new  
8           school district and, if appropriate, for the union district, including discussions  
9           with the board of any supervisory union to which the petitioning town  
10           proposes assignment.

11           (2) Plan. The plan shall describe the actions that the petitioning town  
12           has taken and will take to ensure that, as of its proposed operational date, the  
13           proposed new district will be prepared to assume sole responsibility for the  
14           education of its students in prekindergarten through grade 12 in a manner that  
15           will meet educational quality standards as required by 16 V.S.A. § 165,  
16           including the actions necessary to transition to the proposed method by which  
17           supervisory union services would be provided. The plan shall include a  
18           timeline indicating the date by which each action will be complete. At a  
19           minimum, the plan and timeline should include the actions identified in  
20           subsection (d) of this section.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 173 of 180

1           (c) State Board review and action.

2                   (1) Review. The State Board shall consider the report and plan and shall  
3           provide the self-selected representatives of the petitioning town and the board  
4           of the union district an opportunity to be heard. The Board may, in its  
5           discretion, take testimony from other individuals and entities.

6                   (2) Preparedness determination and vote to approve withdrawal. The  
7           State Board shall determine if it is likely or unlikely the proposed new school  
8           district will be prepared to assume full responsibility for the education of its  
9           resident students in a manner that substantially complies with educational  
10           quality standards as required by 16 V.S.A. § 165 and whether it is likely or  
11           unlikely that supervisory union services will be available to the proposed new  
12           school district on the operational date. If the State Board determines  
13           preparedness is unlikely, it shall issue a written advisory statement detailing  
14           the factors underlying its conclusion, which shall be posted on its website.  
15           Upon making its preparedness determination, the State Board shall vote to:

16                   (A) approve the withdrawal proposal;

17                   (B) approve any motion necessary for the withdrawal process to  
18           proceed pursuant to subsection (d) of this section, including a motion to create  
19           a new school district as of the date of the motion in order to enable the election  
20           of members to the board of the proposed new school district, negotiation and

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 174 of 180

1 voter approval of a withdrawal agreement pursuant to the former 16 V.S.A.  
2 § 724(c), and preparation to assume full responsibility for the education of  
3 resident students on the operational date;

4 (C) determine or set a schedule for determining the manner in which  
5 supervisory union services will be provided to the proposed new school district  
6 and, if appropriate, the union district, to be effective on the proposed new  
7 school district’s operational date; and

8 (D) make any other findings or declarations and approve any other  
9 motions that are related and necessary to the withdrawal proposal.

10 (d) Actions necessary to be fully operational. After the State Board makes  
11 its determination of preparedness and approves the withdrawal process  
12 pursuant to subdivision (c)(2) of this section, then the new school district, the  
13 union district, and, if applicable, the supervisory union or unions shall take all  
14 actions necessary to be fully operational on the identified operational date. At  
15 a minimum, the required necessary actions shall include:

16 (1) election of initial school board members by the voters of the new  
17 school district, whose terms of office shall be arranged so that one each expires  
18 on the day of the second, third, and fourth annual meeting of the new school  
19 district and whose sole responsibility until the new school district’s operational

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 175 of 180

1 date shall be to prepare for the district to assume sole responsibility for the  
2 education of resident students on that date;

3 (2) negotiation by the board of the new school district and the board of  
4 the union district of the proposed financial terms of withdrawal in order to  
5 comply with the requirements of the former 16 V.S.A. § 724(c);

6 (3) approval by the voters of each town within the union district of the  
7 negotiated proposed financial terms of withdrawal in order to comply with the  
8 requirements of the former 16 V.S.A. § 724(c);

9 (4) preparation of a proposed budget by the board of the new school  
10 district for the fiscal year beginning on the district’s operational date, together  
11 with presentation to and approval by the district’s voters prior to that date;

12 (5) preparation for the provision of supervisory union services to the  
13 new school district and, if applicable, for the transition of the union school  
14 district from a supervisory district structure to a supervisory union structure;

15 and

16 (6) all other actions necessary to transition from one school district to  
17 two districts and, if applicable, to transition from a supervisory district  
18 structure to a supervisory union structure, including any actions necessary to  
19 address the collectively bargained rights of employees of the former employing  
20 entity.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 176 of 180

1           (e) Preparedness deemed unlikely.

2                   (1) If the State Board determines preparedness is unlikely and issues a  
3 written advisory statement detailing the factors underlying its conclusion  
4 pursuant to subdivision (c)(2) of this section, it shall electronically transmit the  
5 advisory statement to the board of the new school district upon its election.

6                   (2) Upon receipt of the advisory statement, the board of the new school  
7 district shall post the document on its website and schedule the contents as a  
8 topic for public discussion at a special or regular board meeting.

9                   (3) Prior to the operational date and after public discussion and any  
10 board deliberations:

11                   (A) the board of the new school district may continue to take all  
12 actions necessary to prepare for the realignment of duties on the operational  
13 date; or

14                   (B) on its own motion, or if petitioned to do so by at least five  
15 percent of the voters in the new school district, the board of the new school  
16 district shall warn a vote to request the State Board to reverse its declaration  
17 approving withdrawal and reconstituting the new school district. The vote  
18 shall be held before the October 1 prior to the operational date.

19                   (i) The question shall be decided by Australian ballot.



**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 177 of 180

1                   (ii) Within 45 days after the vote or 15 days after a vote to  
2                   reconsider under 17 V.S.A. § 2661, whichever is later, the clerk of the new  
3                   school district shall certify the results of the vote to the Secretary of State who  
4                   shall record the certificate and give notice of the vote to the clerk of the union  
5                   district, the clerks of each of the other towns within the union district, and the  
6                   Secretary of Education. The clerk of the new school district shall submit the  
7                   certification regardless of whether the voters in the district voted to petition the  
8                   State Board to reverse its declarations.

9                   (4) If the new school district requests the State Board to take action  
10                  under subdivision (3) of this subsection, then:

11                  (A) the State Board shall reverse and void earlier declarations  
12                  approving withdrawal and reconstituting the new school district and the  
13                  withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is  
14                  concluded; and

15                  (B) the union school district shall continue to be solely responsible  
16                  for the education of the students residing in the town that petitioned for  
17                  withdrawal; provided, however:

18                  (i) the new school district and its board shall continue to exist for  
19                  up to six months after the day on which the State Board reverses and voids its

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 178 of 180

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.

**DRAFT**

(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 179 of 180

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           (f) 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

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(dr req 22-0275 – draft 1.1—whole bill)  
03/10/2022 - BSJ - 8:19 PM

Page 180 of 180

1     union district pursuant to the provisions of 16 V.S.A. § 721a that were in effect  
2     prior to the effective date of Sec. 3 of this act, and if the voters of each of the  
3     other member districts of the union district have not voted whether to ratify the  
4     withdrawal proposal prior to the effective date of this section or if they each  
5     voted but the votes are not final prior to the effective date, then the withdrawal  
6     action is deemed to have been withdrawn. The voters residing in any member  
7     district of the union district may initiate new withdrawal procedures pursuant  
8     to the process set forth in Sec. 3, 16 V.S.A. § 725, of this act.

9     Sec. 8. EFFECTIVE DATE

10     This act shall take effect on July 1, 2022.