

1 § 724. WITHDRAWAL FROM OR DISSOLUTION OF A UNIFIED
2 UNION SCHOOL DISTRICT

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

6 (b) Withdrawal study committee.

7 (1) To initiate the process set forth in this section, the voters residing in
8 the petitioning town shall submit a petition to the board of the unified union
9 school district indicating the petitioners’ desire to withdraw the petitioning
10 town from the union district and identifying at least three voters residing in the
11 petitioning town who will serve on a withdrawal study committee. The
12 petition shall be signed by at least five percent of the voters residing in the
13 petitioning town.

14 (2) Within 30 days after receiving the petition, the board of the union
15 district shall recognize the creation of the withdrawal study committee and
16 shall appoint a board subcommittee to serve as a liaison between the board and
17 the withdrawal study committee and to represent the interests of the union
18 district.

19 (3) Within 30 days after the board’s appointment of the liaison
20 subcommittee, the superintendent of the union district shall convene the first
21 formal meeting of the withdrawal study committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (A) the proposed new school district; and

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

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

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

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

20 (1) Report supporting withdrawal.

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

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

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

9 (I) support withdrawal; and

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

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

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

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

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

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

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

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

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

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

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

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

15 (e) Secretary and State Board.

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

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

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

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

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

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

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

12 (3) State Board action.

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

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

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

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

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

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

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

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

20

21

1 (f) Vote of the electorate.

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

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

7 (B) The voters of the union district, including those residing in the
8 petitioning town, shall vote whether to approve withdrawal as set forth in the
9 report. The question shall be determined by Australian ballot and shall
10 proceed pursuant to sections 737 (warnings of unified union school district
11 meetings) and 739–742 (vote by Australian ballot) of this chapter.

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

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

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

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

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

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

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

15 (ii) The withdrawal proposal shall proceed to a vote in each of the
16 other towns within the union district if approved by at least 60 percent of the
17 union district voters residing in the petitioning town present and voting on the
18 warned question. If this percentage is not met, then the proposed withdrawal
19 shall not occur.

20 (C) Within 45 days after the vote in subdivision (B) or 15 days after a
21 vote to reconsider the original vote under 17 V.S.A. § 2661, whichever is later,

1 the clerk of the petitioning town shall certify the results of the vote to the
2 Secretary of State who shall record the certificate and give notice of the vote to
3 the clerk of the union district, the clerks of each of the other towns within the
4 union district, and the Secretary of Education. The clerk of the petitioning
5 town shall submit the certification regardless of whether the voters in the
6 petitioning town approved withdrawal. The withdrawal study committee shall
7 cease to exist upon submission of the certification.

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

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

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

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

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

20 (h) State Board's duties if withdrawal is approved. If the union district
21 voters approve withdrawal pursuant to subsection (f) of this section, then upon

1 receiving notice from the Secretary pursuant to subdivision (f)(1)(D) or
2 (f)(2)(E), the State Board shall:

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

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

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

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

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

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

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

20 (iv) taking any other actions necessary, as district voters or as a
21 school board, for the new school district to assume full responsibility for

1 providing for the education of the district's resident students in all grades,
2 prekindergarten through grade 12, on the identified operational date.

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

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

11 (i) a union district serving as its own supervisory district to
12 become a member of a multi-district supervisory union; or

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

16 (B) If assigned to a multi-district supervisory union, then the board of
17 the new school district may appoint its members to the supervisory union
18 board pursuant to section 266 of this title, where they may participate as non-
19 voting members of that board until the new school district's operational date.

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

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
18 years after the latter of the operational date of a newly-formed union district or,
19 if applicable, the operational date of a union district adjusted pursuant to
20 subsection (i) of this section.

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 [redacted] years after the vote that
4 concluded the initial withdrawal action.
5