

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 1 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 2 of 121

1 Sec. 2. REPEAL

2 16 V.S.A. chapter 11 (union schools) is repealed on July 1, 2022.

3 Sec. 3. 16 V.S.A. chapter 11 is added to read:

4 CHAPTER 11. UNION SCHOOL DISTRICTS

5 Subchapter 1. General Provisions

6 § 701. POLICY

7 It is the policy of the State to provide substantially equal educational
8 opportunities for all children in Vermont by authorizing two or more school
9 districts, including an existing union school district, to form a union school
10 district for the purpose of providing for the education of its resident students in
11 the grades for which it is organized, and for the new union school district to be
12 a body politic and corporate with the powers incident to a municipal
13 corporation, with all of the rights and responsibilities that a town school district
14 has in providing for the education of its resident students. Formation of union
15 school districts shall be designed to encourage and support local decisions and
16 actions that provide substantial equity of educational opportunities statewide,
17 lead students to achieve or exceed the State’s Education Quality Standards,
18 maximize operational efficiencies, promote transparency and accountability,
19 and be delivered at a cost that parents, voters, and taxpayers value.

20 § 702. DEFINITIONS

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 3 of 121

1 As used in this chapter:

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

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

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

18 (5) “Member district” means a school district, which can be a union
19 school district, that is a member of a union elementary school district or a
20 union high school district for certain grades, prekindergarten through grade 12,

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 4 of 121

1 and is a distinct district organized to provide for the education of its resident
2 students for all other grades, whether by operating one or more schools or
3 paying tuition.

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

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

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

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

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

19 (11) “Transitional period” means the period of time beginning on the
20 day on which a union school district becomes a legal entity pursuant to section

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 5 of 121

1 713 (certification of votes) of this chapter and continuing until its operational
2 date.

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

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

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

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

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

17 (iii) paying tuition for all grades.

18 (B) Use of the term “union school district” or “union district”
19 includes a union elementary school district, union high school district, and

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 6 of 121

1 unified union school district unless the context clearly limits it to fewer than all
2 options.

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

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

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

14 (b) Existing articles of agreement.

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

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 7 of 121

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

6 *[Secs. 704–705 reserved]*

7 Subchapter 2. Exploration, Formation, and Organization

8 Article 1. Process

9 § 706. PROPOSAL TO FORM STUDY COMMITTEE; BUDGET AND 10 MEMBERSHIP

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

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 8 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 9 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 10 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 11 of 121

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 shall proceed pursuant to the provisions for
14 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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 12 of 121

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

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 13 of 121

1 district appointing more than one person to the study committee may appoint
2 residents of the school district who are not members of the board to any of the
3 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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 14 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 15 of 121

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 (e) shall be given
12 in 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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 16 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 17 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 18 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 19 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 20 of 121

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 (b), 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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 21 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 22 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 23 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 24 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 25 of 121

1 (C) may ask the Secretary, 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 on 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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 26 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 27 of 121

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 (c).

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 28 of 121

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 (c), 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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 29 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 30 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 31 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 32 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 33 of 121

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 (d) 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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 34 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 35 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 36 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 37 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 38 of 121

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 (e) 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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 39 of 121

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 subsection 714(a)(2) (calculation of votes) of this
20 chapter.

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 41 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 42 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 43 of 121

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), but not sooner than 30 days after the initial
20 vote, the Secretary shall designate the newly formed district as a union school

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 44 of 121

1 district. The Secretary shall certify that designation and send the certification
2 together with the clerks' certifications to the Secretary of State, who shall
3 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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 45 of 121

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 (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 section
11 711, 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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 46 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 47 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 48 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 49 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 50 of 121

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 (c)(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 section shall be sworn in before entering upon the duties
18 of their offices and a record made by the district clerk. They shall assume
19 office upon being sworn in. The officers listed in subdivisions (c)(1)(C), (D)
20 and (E) of this section shall serve terms as set forth in section 735 (unified

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 51 of 121

1 union school districts; officers) or 753 (union elementary and union high
2 school district; officers) of this chapter unless the voters extend the term length
3 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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 52 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 53 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 54 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 55 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 56 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 57 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 58 of 121

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 11 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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 59 of 121

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, the districts involved, and aligns with the policy set-forth in
19 section 701 of this title for the interested school district to join the existing
20 union school district, then at a meeting of the interested school district warned

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 60 of 121

1 for the purpose, the voters shall vote whether to apply to the existing union
2 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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 61 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 62 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 63 of 121

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 can 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 to the paragraph
11 identified as “(e) Final Report” in section 712 (warning on vote to establish
12 union school district and elect initial members of the board) of this chapter, or
13 if the original articles of agreement or voter-approved amendments authorize
14 the board to amend a specific condition or 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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 64 of 121

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 711(e)(1) (proposed union
8 elementary or union high school district) of this chapter, and if the district’s
9 articles of agreement direct the board to adjust board membership when
10 necessary to conform to each new decennial census, then the board shall
11 amend the articles to adjust the apportionment of board seats without
12 presenting the amendment 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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 65 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 66 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 67 of 121

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 [To be added]

7 § 725. WITHDRAWAL FROM OR DISSOLUTION OF A UNIFIED

8 UNION SCHOOL DISTRICT [To be added]

9 [Secs. 726–728 reserved]

10 Subchapter 3. Unified Union School Districts

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

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

13 QUORUM AND VOTING; POWERS AND DUTIES

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

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

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 68 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 69 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 70 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 71 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 72 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 73 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 74 of 121

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 (b) 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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 75 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 76 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 77 of 121

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.

18 § 732. UNIFIED UNION SCHOOL DISTRICT BUDGET; PREPARATION

19 AND AUTHORIZATION

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 78 of 121

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

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

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

14 § 733. ANNUAL REPORT; DATA

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

DRAFT

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

4 [Sec. 734 reserved]

5 Article 2. Unified Union School Districts – Officers, Annual Meetings,
6 and Special Meetings

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

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

16 (b) Election.

17 (1) If an officer is elected by Australian ballot in a unified union school
18 district, then the provisions of subdivision 730(a)(3) for election by Australian
19 ballot of at-large candidates for the unified union school district board shall
20 apply.

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 80 of 121

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

4 (c) Terms.

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

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

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

19 (d) Vacancy. The board of the unified union school district shall fill a
20 vacancy in any office elected pursuant to this section as soon as practicable

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 81 of 121

1 after the vacancy occurs. The appointee shall serve upon appointment for the
2 remainder of the unexpired term of office or until the voters elect a successor.

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

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

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

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

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

17 (b) Clerk. The powers, duties, and liabilities of the clerk of a unified union
18 school district shall be the same as those of a clerk of a town school district.
19 The district clerk shall keep a record of the votes and the proceedings of the

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 82 of 121

1 union school district meetings and shall provide certified copies of them when
2 requested.

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

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

9 § 737. WARNINGS OF UNIFIED UNION SCHOOL DISTRICT

10 MEETINGS

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

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

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 83 of 121

1 newspaper circulating in the unified union school district. In the district
2 clerk’s absence, the chair of the board or the chair’s designee shall warn the
3 meeting pursuant to the provisions of this section.

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

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

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

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

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

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 84 of 121

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 (f) is more than 30 days prior to the annual meeting of
14 the unified union school district, then notwithstanding subsection 729(a)
15 (members of unified union school district boards) of this section, the newly
16 elected board members shall assume office at the conclusion of the district’s
17 annual meeting.

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

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 85 of 121

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

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

5 § 738. CHECKLIST FOR UNION DISTRICT MEETINGS WHERE

6 VOTING IS CONDUCTED FROM THE FLOOR

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

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

17 (c) This section shall not apply to a meeting warned pursuant to subsection
18 737(f) (unified union school district meetings; proportional to town population;
19 floor vote) of this chapter.

20 § 739. CONDUCT OF VOTE IF BY AUSTRALIAN BALLOT

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 86 of 121

1 For any vote that proceeds by Australian ballot in a unified union school
2 district:

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

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

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

9 (4) The opportunity for early and absentee voting pursuant to 17 V.S.A.
10 §§ 2531–2550 (conduct of elections; early and absentee voters) shall be
11 provided.

12 § 740. PREPARATION AND FORM OF AUSTRALIAN BALLOT

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

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

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

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 87 of 121

1 § 741. COUNTING OF AUSTRALIAN BALLOTS

2 (a) Process.

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

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

12 (3) The district clerk or designee shall supervise representatives of the
13 boards of civil authority, identified in subdivision (1) of this subsection, to
14 count ballots at the central location pursuant to section 742 (commingling and
15 reporting of votes cast by Australian ballot and from the floor) of this title.

16 The district clerk shall also have the authority to appoint current unified union
17 school district board members who are not on the ballot to aid in the counting
18 of ballots.

19 (4) The ballots shall be counted as soon as possible, but not later than
20 24 hours after the time at which the polls closed.

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 88 of 121

1 (5) If ballots are to be counted on the day following the election, then
2 the clerk of each town within the unified union school district shall store the
3 ballots in a secure location in the town until they are transported on the
4 following day to the central location designated by the district clerk for
5 counting.

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

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

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

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

19 (3) the articles of agreement as initially approved by the voters on or
20 before July 1, 2019 explicitly provide that the board of civil authority of each

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 89 of 121

1 town within the unified union school district shall count Australian ballots cast
2 in that town and report that town’s results to the district clerk, who shall
3 calculate total votes cast within the unified union school district and report the
4 result of the vote to the public.

5 § 742. COMMINGLING AND REPORTING OF ALL VOTES CAST BY

6 AUSTRALIAN BALLOT AND FROM THE FLOOR

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

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

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

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

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 90 of 121

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

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

11 § 743. BOND ISSUES; DEBT LIMIT

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

17 (b) The debt limit of the unified union school district shall be 10 times the
18 total of the education grand lists of the towns within the unified union school
19 district. The existing indebtedness of a unified union school district incurred to
20 finance any project approved under sections 3447 to 3456 (State aid for capital

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 91 of 121

1 construction costs) of this title shall not be considered a part of the
2 indebtedness of the unified union school district for purposes of determining its
3 debt limit for a new proposed bond issue.

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

8 [Sec. 744 reserved]

9 Subchapter 4. Union Elementary School Districts and
10 Union High School Districts

11 § 745. DEFINITIONS

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

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

19 (2) Town clerk.

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 93 of 121

1 (2) assume office upon election, except as provided in subdivision
2 755(f)(3) (warnings of union elementary and union high school district
3 meetings) of this chapter; 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 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 union elementary or union high school district board
13 meeting shall be necessary and sufficient for board action; provided, however,
14 the concurrence of more than a majority shall be necessary if required for a
15 particular action by 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 set out in subdivisions 711(e)(1) (proposed union
19 elementary or union high school district; proportional to town population) and
20 748(a)(1) (union elementary and union high school district board members;

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 94 of 121

1 Australian ballot; proportional to town population) of this chapter, then a
2 number of members of the board holding a majority of the total number of
3 weighted votes shall constitute a quorum, and a majority of the weighted votes
4 cast shall be necessary and sufficient for board action.

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

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

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

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 95 of 121

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

2 § 748. UNION ELEMENTARY AND UNION HIGH SCHOOL DISTRICT

3 BOARD MEMBERS; NOMINATION AND ELECTION; BOND

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

7 (1) Proportional to town population.

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

13 (i) the candidate is a current voter of the member 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 30 voters residing in the
17 member district or one percent of the legal voters in that district, whichever is
18 less;

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

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 96 of 121

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

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

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

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

16 (A) When membership on the board of a union elementary or union
17 high school district is allocated to each member district, but the allocation is
18 not closely proportional to the member district’s population and the board
19 member is elected at-large, the voters residing in any one or more of the

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 97 of 121

1 member districts may file a petition nominating a candidate for board
2 membership under the “modified at-large” model. A petition is valid only if:

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

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

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

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

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

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

19 (C) The union district clerk shall prepare the union elementary or
20 union high school district ballot to include the name of each duly nominated

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 98 of 121

1 candidate and shall transmit the ballot to the town clerk of each member

2 district to make available to the voters residing in the member district.

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

6 (3) At-large representation.

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

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

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

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

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 99 of 121

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

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

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

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

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

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

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 100 of 121

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

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

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

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

19 (d) Notification. Within 10 days after the election of a board member
20 pursuant to this section, the union elementary or union high school district

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 101 of 121

1 clerk shall transmit the name of the newly elected board member to the
2 Secretary of State.

3 § 749. VACANCY ON UNION ELEMENTARY OR UNION HIGH
4 SCHOOL DISTRICT BOARD

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

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

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 102 of 121

1 (2) Modified at-large model: allocation to town; at-large representation.
2 If the vacancy is for a seat where membership is allocated to a member district
3 in a number that is not closely proportional to each district’s relative
4 population and the board member is elected at-large, then the union elementary
5 or union high school district clerk shall notify the board of the member district
6 not later than five days after learning of the vacancy. Within 30 days after
7 providing notice and after consultation with the member district’s board, the
8 union elementary or union high school district board shall appoint a person
9 who is otherwise eligible to serve as a member of the union elementary or
10 union high school district board to fill the vacancy until the voters elect a
11 successor at an annual or special meeting pursuant to the provisions of section
12 748 (union elementary and union high school district board members) of this
13 chapter.

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

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 103 of 121

1 meeting pursuant to the provisions of section 748 (union elementary and union
2 high school district board members) of this chapter.

3 (4) No board of member district. For purposes of subdivisions (1)
4 (proportional to town population) and (2) (modified at-large) of this subsection
5 (a), if the member district is also a union school district and any related town
6 school district has discontinued operations pursuant to section 717(b)(2)
7 (discontinuation of forming districts in union elementary and union high
8 school districts) of this chapter and has no board, then the clerk of the union
9 elementary or union high school district shall notify the selectboard of the
10 pertinent town not later than five days after learning of the vacancy. Within
11 30 days after providing notice and after consultation with the selectboard, the
12 union elementary or union high school district board shall appoint a person
13 who is otherwise eligible to serve as a member of the union elementary or
14 union high school district board to fill the vacancy until the voters elect a
15 successor at an annual or special meeting pursuant to the provisions of section
16 748 (union elementary and union high school district board members) of this
17 chapter.

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

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 104 of 121

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

5 (c) Obligations and expenses.

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

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

16 § 750. UNION ELEMENTARY OR UNION HIGH SCHOOL DISTRICT

17 BUDGET; PREPARATION AND AUTHORIZATION

18 (a) The board of a union elementary or union high school district shall
19 prepare and distribute a proposed budget annually for the next school year

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 105 of 121

1 pursuant to the provisions of subdivision 563(11) (powers of school boards;
2 budget) of this title.

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

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

§ 751. ANNUAL REPORT; DATA

14 (a) The board of a union elementary or union high school district shall
15 prepare an annual report concerning the affairs of the district and have it
16 printed and distributed to the voters of the district pursuant to the provisions of
17 subdivision 563(10) (powers of school boards; report) of this title. The board
18 shall file the report with the union district clerk and the clerk of each member
19 district.

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 107 of 121

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

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

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

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

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 108 of 121

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

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

6 (g) Notification. Within 10 days after the election or appointment of any
7 officer pursuant to this section, the clerk of the union elementary or union high
8 school district shall transmit the name of the officer to the Secretary of State.

9 § 754. OFFICERS; POWERS, DUTIES, AND LIABILITIES

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

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

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 109 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 110 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 111 of 121

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 (f) is more than 30 days prior
16 to 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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 112 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 113 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 114 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 115 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 116 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 117 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 118 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 119 of 121

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 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 120 of 121

1 (c) Articles of agreement in effect on June 30, 202[2], as initially adopted
2 by the voters or subsequently amended, shall govern the district unless and
3 until amended; provided, however, and notwithstanding the provisions of 1
4 V.S.A. § 214 or other laws to the contrary, the provisions of this chapter 11
5 shall govern in all matters not addressed in the articles of agreement and shall
6 take 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.

DRAFT

(dr req 22-0275 – draft 3.1)
02/09/2022 - BSJ - 7:17 PM

Page 121 of 121

1 Sec. 4. EFFECTIVE DATE

2 This act shall take effect on July 1, 2022.