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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 ~~4~~6. ~~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 \* \* \*

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2 16 V.S.A. chapter 11 (union schools) is repealed on July 1, 2022.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

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1     § 702. DEFINITIONS

2           As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19                   (iii) paying tuition for all grades.

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

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

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

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

16           (b) Existing articles of agreement.

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

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

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

8 *[Secs. 704–705 reserved]*

9 Subchapter 2. Exploration, Formation, and Organization

10 Article 1. Process

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

12 MEMBERSHIP

13 (a) Establishment of committee. When the boards of two or more school  
14 districts vote to establish a study committee to study the advisability of  
15 forming a union school district or are petitioned to do so by at least five  
16 percent of voters in the school district who were eligible to vote at the last  
17 annual or special school district meeting, the boards shall meet with the  
18 superintendent or superintendents of each school district. With the advice of  
19 the superintendent or superintendents, the boards shall establish a budget for

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1 the study committee’s work and shall determine the number of persons to serve  
2 on the study committee pursuant to subsection (b) of this section.

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

9 (c) Existing union school districts.

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

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

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



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1           (C) If the existing union school district does not have any member  
2           districts because all towns for which it is organized are members of both a  
3           union elementary school district and a union high school district, then the  
4           existing union school district shall represent its own interests on the study  
5           committee, and the towns within it shall not participate on its behalf.

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

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

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

19           (2) Existing unified union school district; proposed unified union school  
20          district. If the board of a unified union school district votes to participate in a

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1 study committee to consider formation of a new unified union school district  
2 rather than the enlargement of the existing unified union school district  
3 pursuant to section 721 (joining an existing union school district) of this  
4 chapter, or is petitioned by the voters to do so, then:

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

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

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

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

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

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

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

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

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

18 COMMITTEE; PARTICIPATION

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

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1           (1) If the proposed budget established in section 706 of this chapter  
2           exceeds \$50,000.00, then subject to the provisions of that section the board of  
3           each potentially participating school district shall warn the district’s voters to  
4           meet at an annual or special school district meeting to vote whether to  
5           appropriate funds necessary to support the district’s financial share of a study  
6           committee’s costs. The meeting in each school district shall be warned for the  
7           same date. The warning in each school district shall contain an identical article  
8           in substantially the following form:

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

17           (2) If the vote in subdivision (1) of this subdivision is in the affirmative  
18           in two or more school districts, then the boards of the affirming school districts  
19           shall appoint a study committee consisting of the number of persons  
20           determined pursuant to section 706 (proposed study committee budget and

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1 membership) of this chapter. At least one current board member from each  
2 participating school district shall be appointed to the study committee. The  
3 board of a school district appointing more than one person to the study  
4 committee may appoint residents of the school district who are not members of  
5 the board to any of the remaining seats.

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

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

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

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

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1        (c) Additional costs.

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

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

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

19        (e)(1) Subsequent appointments of persons to the study committee;  
20        vacancy. Subject to the requirement that each school board appoint at least

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

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

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

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

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

14 (f) Formal participation in study committee.

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

18 (2) A school district shall not formally withdraw its participation in an  
19 existing study committee after the school district has appointed members to

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1 that committee until the study committee dissolves pursuant to subsection  
2 708(e) of this chapter.

3 (g) Additional formal participants.

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

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

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

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

20 (h) Informal participation by other school districts.



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1           (1) The board of a school district that is not a formal participant in an  
2           existing study committee may authorize one or more of the board’s members  
3           to contact the study committee to discuss whether it may be advisable to  
4           include the school district within a proposal to form a new union school district  
5           as an “advisable” district, as described in section 708 (necessary and advisable  
6           districts) of this chapter.

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

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

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

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1     § 708. STUDY COMMITTEE; NECESSARY AND ADVISABLE

2             DISTRICTS; CONTENTS OF STUDY COMMITTEE REPORT AND

3             PROPOSED ARTICLES; DISSOLUTION OF COMMITTEE

4             (a) Study committee; process.

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

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

14            (3) The Secretary shall cooperate with the study committee and is  
15            authorized to make Agency staff available to provide technical assistance to  
16            the committee.

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

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

4           (b) Necessary and advisable school districts. If a study committee decides  
5           to recommend formation of a union school district, then it shall determine  
6           whether each school district included in the recommended formation is  
7           “necessary” or “advisable” to formation.

8           (1) “Necessary” school district.

9           (A) The study committee shall identify a school district as  
10           “necessary” to formation of the union school district only if the school district  
11           is a formal participant in the study committee.

12           (B) Subject to the provisions of subsection 706(c) of this chapter, the  
13           school board of a “necessary” school district is required to warn a vote of the  
14           electorate under sections 710 (vote to form union school district) and 711  
15           (initial members of union school district board election) of this chapter.

16           (C) A proposed union school district is formed only if the voters  
17           voting in each “necessary” school district vote to approve formation.

18           (2) “Advisable” school district.

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1           (A) The study committee may identify any school district as  
2           “advisable” to formation of the union school district even if the school district  
3           is not a formal participant in the study committee.

4           (B) The school board of an “advisable” school district is not required  
5           to warn a vote of the electorate under sections 710 (vote to form union school  
6           district) and 711 (initial members of union school district board election) of  
7           this chapter, except upon application of 10 percent of the voters in the school  
8           district.

9           (C) Voter approval in an “advisable” district is not required for  
10           formation of a new union school district.

11           (3) Existing union elementary or union high school district.  
12           Notwithstanding other provisions of this subsection, an existing union  
13           elementary or union high school district is “necessary” to the formation of a  
14           unified union school district even though its interests are represented by its  
15           member districts pursuant to subdivision 706(c)(1) (study committee budget  
16           and membership for existing union school districts) of this chapter.

17           (c) Proposal to form union school district; report and proposed articles of  
18           agreement. If a study committee determines that it is advisable to propose  
19           formation of a union school district, then it shall prepare a report analyzing the  
20           strengths and challenges of the current structures of all “necessary” and

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1 “advisable” school districts and outlining the ways in which a union school  
2 district promotes the State policy set forth in section 701 of this chapter. The  
3 study committee shall also prepare proposed articles of agreement that, if  
4 approved pursuant to the provisions of this chapter, shall serve as the operating  
5 agreement for the new union school district. At a minimum, articles of  
6 agreement shall state:

7 (1) The name of any school district the study committee considers  
8 “necessary” to formation of the proposed union school district.

9 (2) The name of any school district the study committee considers  
10 “advisable” to include in the proposed union school district.

11 (3) The legal name or temporary legal name by which the union school  
12 district shall be known.

13 (4) The grades, if any, that the proposed union school district will  
14 operate and the grades, if any, for which it will pay tuition.

15 (5) The cost and general location of any proposed new school buildings  
16 to be constructed and the cost and general description of any proposed  
17 renovations to existing school buildings.

18 (6) A plan for the first year of the union school district’s operation for  
19 transportation of students, assignment of staff, and use of curriculum that is  
20 consistent with existing contracts, collective bargaining agreements, and other

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1 provisions of law. The board of the union school district, if formed, shall make  
2 all subsequent decisions regarding transportation, staff, and curriculum subject  
3 to existing contracts, collective bargaining agreements, and other provisions of  
4 law.

5 (7) A list of the indebtedness of each “necessary” and “advisable”  
6 district, which the union school district shall assume.

7 (8) The specific pieces of real property of each “necessary” and  
8 “advisable” district that the union school district shall acquire, their valuation,  
9 and how the union school district shall pay for them.

10 (9) Consistent with the proportional representation requirements of the  
11 Equal Protection Clause of the U.S. Constitution, the method or methods of  
12 apportioning representation on the union school district board as set forth in  
13 subsections 711(d) (unified union school district), (e) (union elementary or  
14 union high school district), and (f) (weighted voting) of this chapter.

15 (10) The term of office for each member initially elected to the union  
16 school district board, to be arranged so that one-third expire on the day of the  
17 second annual meeting of the union school district, one-third on the day of the  
18 third annual meeting, and one-third on the day of the fourth annual meeting, or  
19 as near to that proportion as possible.

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1           (11) The date on which the proposal to create the union school district  
2           and the election of initial union school district board members will be  
3           submitted to the voters.

4           (12) The date on which the union school district will be solely  
5           responsible for the education of its resident students in the grades for which it  
6           is organized and will begin operating any schools, paying any tuition, and  
7           providing educational services.

8           (13) Whether the election of board members, election of school district  
9           officers, votes on the union school district budget, or votes on other public  
10          questions, or any two or more of these, shall be by Australian ballot.

11          (14) Any other matters that the study committee considers pertinent.

12          (d) No proposal to form a union school district. If a study committee  
13          determines that it is inadvisable to propose formation of a union school district,  
14          then its members shall vote to dissolve the committee. If the study committee  
15          members vote to dissolve, then the chair shall notify the Secretary in writing of  
16          the vote.

17          (e) Dissolution of study committee.

18          (1) If a study committee proposes formation of a union school district  
19          pursuant to subsection (c) of this section, then the committee shall cease to  
20          exist when the clerk of each school district voting on a proposal to establish the

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1 union school district has certified the results of the vote to the Secretary  
2 pursuant to subsection 713(a) of this chapter.

3 (2) If a study committee determines that it is inadvisable to propose  
4 formation of a union school district, then the committee shall cease to exist  
5 when the chair notifies the Secretary of the committee’s vote pursuant to  
6 subsection (d) of this section.

### 7 § 709. REVIEW BY LOCAL SCHOOL DISTRICT BOARDS;

#### 8 CONSIDERATION AND APPROVAL BY STATE BOARD OF 9 EDUCATION

10 (a) If a study committee determines that it is advisable to propose  
11 formation of a union school district, then the committee shall transmit its report  
12 and proposed articles of agreement to the school board of each school district  
13 that the report identifies as either “necessary” or “advisable” to formation of  
14 the proposed union school district. Each board may review the report and  
15 proposed articles and may provide its comments to the study committee. The  
16 study committee has sole authority to determine the contents of the report and  
17 proposed articles and to decide whether to submit them to the State Board  
18 under subsection (b) of this section.

19 (b) If a study committee determines that it is advisable to propose  
20 formation of a union school district, then the committee shall transmit the



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1 report and proposed articles of agreement to the Secretary who shall submit  
2 them with recommendations to the State Board.

3 (c)(1) The State Board:

4 (A) shall consider the study committee’s report and proposed articles  
5 of agreement and the Secretary’s recommendations;

6 (B) shall provide the study committee an opportunity to be heard;

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

10 (D) may request that the study committee amend the report or the  
11 proposed articles of agreement, or both.

12 (2) If the State Board finds that formation of the proposed union school  
13 district is in the best interests of the State, the students, and the school districts,  
14 and aligns with the policy set forth in section 701 of this title, then it shall  
15 approve the study committee’s report and proposed articles of agreement,  
16 together with any amendments, as the final report and proposed articles of  
17 agreement, and shall give notice of its action to the study committee.

18 (d) The chair of the study committee shall file a copy of the approved final  
19 report and proposed articles of agreement with the clerk of each school district

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1 identified as “necessary” or “advisable” at least 30 days prior to the vote of the  
2 electorate on whether to form the union school district.

3 § 710. VOTE TO FORM UNION SCHOOL DISTRICT

4 Subject to the provisions of subsections 706(c) (proposal to form study  
5 committee; existing union school districts) and 708(b) (study committee;  
6 necessary and advisable districts) of this chapter, the voters of each school  
7 district identified as “necessary” or “advisable” shall vote whether to form the  
8 proposed union school district, as follows:

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

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

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

13 (4) The opportunity for early and absentee voting pursuant to 17 V.S.A.  
14 §§ 2531–2550 shall be provided.

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

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1     § 711. VOTE TO ELECT INITIAL MEMBERS OF THE UNION SCHOOL

2             DISTRICT BOARD

3             (a) Election of initial members of union school district board. At the  
4             meeting warned to vote on formation of a union school district under section  
5             710 of this chapter, the voters shall also elect the initial members who will  
6             serve on the board of the union school district if the voters approve the  
7             district’s formation.

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

9                 (2) The opportunity for early and absentee voting pursuant to 17 V.S.A.  
10             §§ 2531–2550 shall be provided.

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

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

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

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

7           (A) Reference to the voters of the “school district” means the voters  
8           of each town within the existing unified union school district, who shall vote at  
9           a location in their town of residence that is identified in the warning issued by  
10           the existing unified union school district; provided, however, that the total of  
11           all votes cast in the towns shall determine the modified at-large and at-large  
12           election of initial board members pursuant to subdivisions (d)(2) (proposed  
13           unified union district; modified at-large), (d)(3) (proposed union district; at-  
14           large), (e)(2) (proposed union elementary or union high school district;  
15           modified-at large), and (e)(3) (proposed union elementary or union high school  
16           district; at-large) of this section, as well as whether the existing unified union  
17           school district approves formation of the new unified union school district.

18           (B) “Town clerk” means the clerk of each town within the existing  
19           unified union school district; provided, however, that the town clerk of each  
20           town shall transmit the name of each duly nominated candidate to the clerk of

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1 the existing unified union school district, who shall prepare the unified union  
2 school district ballot for that town and transmit the ballot to the town clerk to  
3 make available to the voters.

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

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

13 (i) the existing union elementary school district if the voters are  
14 voting on a proposed unified union school district or a proposed union  
15 elementary school district; or

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

18 (B) “town clerk” means the clerk of the town that is a member of both  
19 existing union school districts; provided, however, that the town clerk shall  
20 transmit the name of each duly nominated candidate to the clerk of the union

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1 school district identified in subdivision (A) of this subdivision (3), who shall  
2 prepare the ballot for that town and transmit the ballot to the town clerk to  
3 make available to the voters.

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

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

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

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

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

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

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

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

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

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

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

18                  (A) Voters of each school district identified as either “necessary” or  
19                  “advisable” to formation of the proposed unified union school district shall file

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1 a petition nominating a candidate for the office of unified union school district  
2 board member allocated to the voters’ town. A petition shall be valid only if:

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

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

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

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

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

13 (B) Upon receipt of a petition for a unified union school district  
14 board member allocated to a potential town within the proposed district but to  
15 be elected at-large under the modified at-large model, the town clerk shall  
16 place the name of the duly nominated candidate on the ballot to be presented to  
17 the voters of the school district and shall notify the town clerks preparing the  
18 ballots for the voters of each of the other “necessary” school districts and of  
19 each “advisable” school district voting on formation of the proposed unified  
20 union school district to place the candidate’s name on the ballot presented to



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1 the voters in those districts. Alternatively, at their discretion, the town clerks  
2 may meet jointly to prepare a uniform ballot.

3 (C) The voters of each “necessary” school district and of each  
4 “advisable” school district voting on formation of the proposed unified union  
5 school district shall vote for the board members to be elected at-large under the  
6 modified at-large model; provided, however, that ballots shall be included in  
7 the calculation of total votes cast pursuant to the provisions of subdivision  
8 714(a)(2) (calculation of votes) of this chapter.

9 (3) At-large representation. When representation on the board of a  
10 proposed unified union school district is not apportioned or allocated to the  
11 potential towns within the proposed district pursuant to subdivision (1)  
12 (proportional to town population) or (2) (modified at-large) of this subsection  
13 and the board member is elected at-large:

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

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

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1                    (ii) the petition identifies the term of office for which the  
2                    candidate is nominated;

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

6                    (iv) the voters file the petition with the town clerk in the  
7                    “necessary” school district in which the candidate resides not later than  
8                    5:00 p.m. on the sixth Monday preceding the day of the election; and

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

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

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

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

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

16           (A) Voters of each school district identified as either “necessary” or  
17           “advisable” to formation of the proposed union school district shall file a  
18           petition nominating a candidate for the office of union school district board  
19           member representing the potential member district. A petition shall be valid  
20           only if:

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

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

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

7                    (iv) the petition is filed with the town clerk not later than  
8 5:00 p.m. on the sixth Monday preceding the day of the election; and

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

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

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

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

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1           (A) Voters of each school district identified as either “necessary” or  
2           “advisable” to formation of the proposed union school district shall file a  
3           petition nominating a candidate for the office of union school district board  
4           member allocated to the potential member district. A petition shall be valid  
5           only if:  
6                   (i) the candidate is a current voter of the potential member district;  
7                   (ii) the petition identifies the term of office for which the  
8           candidate is nominated;  
9                   (iii) the petition is signed by at least 30 voters residing in the  
10           potential member district or one percent of the legal voters in the district,  
11           whichever is less;  
12                   (iv) the petition is filed with the town clerk of the school district in  
13           which the candidate resides not later than 5:00 p.m. on the sixth Monday  
14           preceding the day of the election; and  
15                   (v) the candidate files with the town clerk a written consent to the  
16           printing of the candidate’s name on the ballot.

17           (B) Upon receipt of a petition for union school district board member  
18           allocated to a potential member district but to be elected at-large under the  
19           modified at-large mode, the town clerk shall place the name of the duly  
20           nominated candidate on the ballot to be presented to the voters of the potential

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1 member district and shall notify the town clerks preparing the ballots for the  
2 voters of each of the other “necessary” school districts and of each “advisable”  
3 school district voting on formation of the proposed union school district to  
4 place the candidate’s name on the ballot presented to the voters in those  
5 districts. Alternatively, at their discretion, the town clerks may meet jointly to  
6 prepare a uniform ballot.

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

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

18 (A) The voters of one or more school districts identified as  
19 “necessary” to the formation of the proposed union school district shall file a

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1 petition nominating a candidate for the office of union school district board

2 member at-large. A petition shall be valid only if:

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

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 one or  
8 more school districts identified as “necessary” to the formation of the proposed  
9 union school district;

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

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

15 (B) Upon receipt of a petition for a union school district board  
16 member to be elected at-large, the town clerk shall place the name of the duly  
17 nominated candidate on the ballot to be presented to the voters of the school  
18 district and shall notify the town clerks preparing the ballots for the voters of  
19 each of the other “necessary” school districts and of each “advisable” school  
20 district voting on formation of the proposed union school district to place the

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1 candidate’s name on the ballot presented to the voters in those districts.  
2 Alternatively, at their discretion, the town clerks may meet jointly to prepare a  
3 uniform ballot.

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

10 (f) Weighted voting. If representation on a union school district board is  
11 apportioned based upon population pursuant to subdivision (d)(1) or (e)(1) of  
12 this section, then the union school district may achieve proportionality through  
13 a system of weighted voting.

14 § 712. CONTENTS OF WARNING ON VOTES TO ESTABLISH THE  
15 UNION SCHOOL DISTRICT AND ELECT THE INITIAL  
16 MEMBERS OF THE UNION SCHOOL DISTRICT BOARD

17 The warning for each school district meeting to vote on formation of a  
18 union school district shall contain two articles in substantially the following  
19 form. The language used in Article 1 shall be the same for each “necessary”  
20 and “advisable” district voting on formation of the new district. Article II of



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1 the warning shall not include names of candidates for the union school district  
2 board.

3 WARNING

4 The voters of the \_\_\_\_\_ School District are hereby notified  
5 and warned to meet at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to vote by  
6 Australian ballot between the hours of \_\_\_\_\_, at which time the polls will  
7 open, and \_\_\_\_\_, at which time the polls will close, upon the following articles  
8 of business:

9 Article I. FORMATION OF UNION SCHOOL DISTRICT

10 Shall the \_\_\_\_\_ School District, which the proposed articles  
11 of agreement have identified as [“necessary” or “advisable”] to the formation  
12 of the proposed union school district, join with the school district[s] of  
13 \_\_\_\_\_ and \_\_\_\_\_, which are identified as  
14 “necessary” to formation, and potentially the school district[s] of  
15 \_\_\_\_\_ and \_\_\_\_\_, which are identified as  
16 “advisable” to formation, for the purpose of forming a union school district, as  
17 provided in Title 16, Vermont Statutes Annotated, upon the following  
18 conditions and agreements:

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1        (a) Grades. The union school district shall be organized to provide for the  
2        education of resident students in grades \_\_\_\_\_ through \_\_\_\_\_ and shall assume  
3        full and sole responsibility therefor on July 1, 20\_\_.

4        (b) Operation of schools. The union school district shall operate and  
5        manage one or more schools offering instruction in grades \_\_\_\_\_ through  
6        \_\_\_\_\_ . [Amend as necessary if the district will pay tuition for any or all grades  
7        for which it is organized.]

8        (c) Union school district board. [State method by which representation of  
9        each member of the union school board is to be determined pursuant to section  
10       711 (vote to elect initial members) of this chapter.]

11       (d) Assumption of debts and ownership of school property. The union  
12       school district shall assume the indebtedness of forming districts, acquire the  
13       school properties of the forming districts, and pay for them, all as specified in  
14       the final report and proposed articles of agreement.

15       (e) Final Report. The provisions of the final report and proposed articles of  
16       agreement approved by the State Board of Education on the \_\_\_ day of  
17       \_\_\_\_\_, 20\_\_ , which is on file in the office of the clerk of each school district  
18       named in this warning, shall govern the union school district.

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1                    Article II. ELECTION OF INITIAL MEMBERS OF THE UNION  
2    SCHOOL DISTRICT BOARD

3                    To elect a total of \_\_\_\_\_ ( ) member(s) to serve as initial members of the  
4                    proposed union school district board for the terms established in the final  
5                    report and proposed articles of agreement: [Amend as necessary to reflect  
6                    method for determining school board membership pursuant to section 711  
7                    (vote to elect initial members) of this chapter.]

8                    (a) [Insert number] Board Member[s] to serve until the second annual  
9                    meeting of the union school district, in 20\_\_ .

10                    (b) [Insert number] Board Member[s] to serve until the third annual  
11                    meeting of the union school district, in 20\_\_ .

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

14                    § 713. CERTIFICATION OF VOTES; DESIGNATION OF DISTRICT AS  
15    UNION SCHOOL DISTRICT; RECORDING BY SECRETARY OF  
16    STATE

17                    (a) Within 45 days after the vote or 15 days after a vote to reconsider the  
18                    original vote under 17 V.S.A. § 2661, whichever is later, the clerk of each  
19                    school district voting on the proposal to form a union school district shall  
20                    certify the results of that vote to the Secretary of Education. The clerk shall

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1 submit the certification regardless of whether the district voters approved the  
2 proposed formation of a union school district.

3 (b) If the voters voting in each school district identified as “necessary” to  
4 formation of the proposed union school district vote to form the district, then  
5 the “necessary” school districts constitute a union school district, together with  
6 any school district designated as “advisable” that votes to form the proposed  
7 union school district.

8 (c) If the voters approve formation of a union school district pursuant to  
9 subsection (b) of this section, then upon receiving the certification of each  
10 clerk pursuant to subsection (a) of this section, but not sooner than 30 days  
11 after the initial vote, the Secretary shall designate the newly formed district as  
12 a union school district. The Secretary shall certify that designation and send  
13 the certification together with the clerks’ certifications to the Secretary of  
14 State, who shall record the certification.

15 (d) When the Secretary of State records the certification of the Secretary of  
16 Education, the union school district shall be a body politic and corporate with  
17 the powers incident to a municipal corporation, shall be known by the name or  
18 number given in the recorded certification, by that name or number may sue  
19 and be sued, and may hold and convey real and personal property for the use of  
20 the union school district. The recorded certification shall be notice to all

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1 parties of the formation of the union school district with all the powers incident  
2 to such a district as provided in this title.

3 (e) The Secretary of State shall file a certified copy of the recorded  
4 certification with the clerk of each member district of a new union elementary  
5 or union high school district and with the town clerk of each town within a new  
6 unified union school district. The Secretary of State shall file the certified  
7 copies not later than 14 days after the date on which the Secretary of Education  
8 certifies the existence of the union school district to the Secretary of State.  
9 Filing a certified copy with each clerk shall be prima facie evidence of full  
10 compliance with the requirements for the formation of a union school district  
11 as set forth in this subchapter.

12 § 714. INITIAL MEMBERS OF UNION SCHOOL DISTRICT BOARD;  
13 TALLYING OF AT-LARGE VOTES; OATH OF OFFICE AND  
14 ASSUMPTION OF DUTIES

15 (a) Tallying of at-large votes for initial members of board. If the voters  
16 have elected some or all of the initial members of the union school district  
17 board under either model involving at-large voting as set forth in subdivision  
18 711 (d)(2) (proposed unified union school district; modified at-large), (d)(3)  
19 (proposed unified union school district; at-large), (e)(2) (proposed union  
20 elementary or union high school district; modified at-large), or (e)(3)

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1 (proposed union elementary or union high school district; at-large) of this  
2 chapter, then the total votes cast for each of the at-large candidates shall be  
3 calculated as follows:

4 (1) Within seven days after the vote, the clerk of each school district  
5 voting on the proposal to form a union school district shall transmit  
6 electronically to the Secretary of Education the total number of votes cast in  
7 that school district for each at-large candidate.

8 (2) The Secretary shall calculate the total votes cast for each candidate  
9 and transmit those calculations to the clerks for verification. Ballots cast by  
10 the voters of any “advisable” district that does not approve the proposal to  
11 form a new union school district shall not be included in the calculation.

12 (3) When each clerk has verified the calculations, the Secretary shall  
13 prepare and execute a certification of the votes cast for each candidate.

14 (b) Notification. If the voters approve formation of a new union school  
15 district, then within 30–45 days after the vote or 15 days after a vote to  
16 reconsider the original vote to form the district, whichever is later, the  
17 notification of the election of initial board members shall be sent to the  
18 Secretary of State as follows:

19 (1) The clerk of each forming district shall transmit the names of board  
20 members elected in a manner that is proportional to town population as set

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1 forth in subdivision 711(d)(1) (proposed unified union district; proportional to  
2 town population) or (e)(1) (proposed union elementary or union high school  
3 district; proportional to town population) of this chapter.

4 (2) The Secretary of Education shall transmit the names of board  
5 members elected under either model involving at-large voting.

6 (c) Oath of office; assumption of duties; election of chair and clerk. The  
7 superintendent of the supervisory union serving the new union school district  
8 shall cause the initial board members to be sworn in. Although the swearing-in  
9 may occur prior to the organizational meeting required by section 715 of this  
10 chapter, it shall not occur before the Secretary of State files the certified copy  
11 of the recorded certification with each clerk pursuant to subsection 713(e) of  
12 this chapter. The initial board members shall assume office upon being sworn  
13 in and shall meet to elect one of their number to serve as the board chair and  
14 one other of its number to serve as the board clerk, and to transact any other  
15 business within its jurisdiction; provided, however, such meeting shall not  
16 occur prior to the organizational meeting required by section 715.

17 § 715. ORGANIZATIONAL MEETING; NOTICE; BUSINESS TO BE

18 TRANSACTED

19 (a) Meeting. The union school district shall hold an organizational  
20 meeting within 60 days after the Secretary of State files the certified copy of

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1 the recorded certification with each clerk pursuant to subsection 713(e) of this  
2 chapter.

3 (b) Notice.

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

7 (2) The Secretary of Education shall transmit the signed warning to the  
8 superintendent, who shall post the warning in at least one public place in each  
9 town within the union school district and shall cause the warning to be  
10 published once in a newspaper of general circulation in the towns within the  
11 union school district. Posting and publication shall be made not more than 40  
12 days nor less than 30 days before the date of the meeting.

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

15 (c) Business to be transacted.

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



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1           (A) Elect a temporary presiding officer and a temporary clerk of the  
2 union school district from among the voters present at the organizational  
3 meeting.

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

7           (C) Elect a moderator of the union school district from among the  
8 voters.

9           (D) Elect a clerk of the union school district from among the voters  
10 or vote to authorize the school board to appoint a clerk of the union school  
11 district from among the voters.

12           (E) Elect a treasurer of the union school district or vote to authorize  
13 the school board to appoint a treasurer of the union school district. The  
14 treasurer may also be the supervisory union treasurer and need not be a  
15 resident of the union school district.

16           (F) Determine the date and location of the union school district’s  
17 annual meeting, which shall be not earlier than February 1 nor later than June  
18 1, if not previously determined by the voter-approved articles of agreement.

19           (G) Determine whether compensation shall be paid to the moderator,  
20 clerk, and treasurer of the union school district elected at the organizational

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1 meeting and at subsequent annual meetings of the union school district and, if  
2 so, the amount to be paid to them.

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

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

9 (J) Determine whether to authorize the initial board of the union  
10 school district to borrow money pending receipt of payments from the  
11 Education Fund by the issuance of its note payable not later than one year from  
12 the date of the note. Regardless of whether the voters provide this  
13 authorization, the initial board is authorized to borrow sufficient funds to meet  
14 pending obligations until the voters approve a budget for the initial year of  
15 operation pursuant to subdivision 716(b)(3) of this chapter.

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

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

6           (3) The elected officers listed in subdivisions (1)(A) (temporary  
7           presiding officer and temporary clerk), (C) (moderator of the union school  
8           district), (D) (clerk of the union school district), and (E) (treasurer of the union  
9           school district) of this subsection shall be sworn in before entering upon the  
10           duties of their offices and a record made by the district clerk. They shall  
11           assume office upon being sworn in. The officers listed in subdivisions (1)(C),  
12           (D), and (E) of this subsection shall serve terms as set forth in section 735  
13           (unified union school districts; officers) or 753 (union elementary and union  
14           high school district; officers) of this chapter unless the voters extend the term  
15           length up to three years.

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

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1        Article 2. Transition; Dissolution, Reorganization, and Discontinuation of  
2                    Forming Districts; Sale of Real Property; Supervisory Unions  
3                                    and Supervisory Districts

4        § 716. TRANSITION TO FULL OPERATIONS

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

9            (b) Roles and authority during transitional period. During the transitional  
10       period:

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

13            (2) The board of the new union school district shall develop school  
14       district policies; adopt curriculum, educational programs, assessment  
15       measures, and reporting procedures; negotiate and enter into contractual  
16       agreements; negotiate and enter into collective bargaining agreements; set the  
17       school calendar for the fiscal year that begins on the operational date; prepare  
18       and present to the voters the proposed budget for the fiscal year that begins on  
19       the operational date; prepare for the annual and any special meetings of the

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1 new union school district that may occur during the transitional period; and  
2 transact any other lawful business coming before it.

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

11 (c) Assets.

12 (1) Definition. For purposes of this subsection, the “assets” of a  
13 forming district shall include all real and personal property, operating fund  
14 accounts, special fund accounts, trust fund accounts, accounts receivable, and  
15 any other property to which the forming district holds title or over which it has  
16 control.

17 (2) Transfer and acquisition of title. On or before the operational date,  
18 the forming districts shall transfer and the union school district shall acquire  
19 ownership of all assets of the forming districts that are owned by the forming  
20 districts on or before the June 30 immediately preceding the operational date,

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1 unless the voter-approved articles of agreement explicitly provide for an  
2 alternative disposition of a specific asset. The transfer of an asset shall be  
3 subject to all encumbrances and conditions of record, unless the voter-  
4 approved articles of agreement explicitly provide otherwise.

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

11 (4) Trust funds. A union school district shall hold and apply all trust  
12 funds transferred to it by a forming district as the terms of the trust indicate. If  
13 the trust allows, a union school district may use the funds to benefit union  
14 school district students who reside, or buildings that are located, outside the  
15 geographical boundaries of the forming district that originally held the trust.

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

20 (d) Liabilities.

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

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

10           (3) Prohibition. Notwithstanding the provisions of subdivision (2) of  
11           this subsection (d), a union school district shall not assume liabilities that a  
12           forming district incurs between the date on which the vote occurs pursuant to  
13           section 710 (vote to form union school district) of this chapter and the  
14           operational date unless explicitly authorized in the voter-approved articles of  
15           agreement or approved by the union school district board during the  
16           transitional period; provided, however, that a union school district shall in all  
17           cases assume the contractual obligations of the member districts regarding  
18           each collective bargaining agreement or other employment contract entered  
19           into during the transitional period until the agreement’s or contract’s  
20           expiration.

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

7        § 717. DISSOLUTION, REORGANIZATION, AND DISCONTINUATION  
8        OF FORMING DISTRICTS

9        (a) Unified union school district; dissolution of forming districts. On its  
10       operational date, a unified union school district shall supplant all forming  
11       districts and the forming districts shall cease to exist; provided, however, that  
12       if the voter-approved articles of agreement explicitly provide for it, then the  
13       supplanted forming districts and their boards may continue to exist for up to  
14       six months after the operational date for the sole purpose of completing any  
15       outstanding business that cannot legally be performed by the new unified union  
16       school district.

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

18       (1) Reorganization of forming districts. On its operational date, a union  
19       elementary or union high school district shall supplant each forming district for  
20       the grades for which the union elementary or union high school district is



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

9 (2) **Dissolution** of forming districts. If a forming district is organized to  
10 provide for education solely in the grades for which the new union elementary  
11 or union high school district is organized and the forming district is a member  
12 district of another union school district for all other grades, prekindergarten  
13 through grade 12, then the forming district shall cease all educational  
14 operations on the new union district’s operational date, the new union school  
15 district shall assume all powers and responsibilities of the forming district, and  
16 **the forming district shall cease to exist**; provided, however, that if the voter-  
17 approved articles of agreement explicitly provide for it, then the forming  
18 district and its board may continue to operate for up to six months after the  
19 operational date for the sole purpose of completing any outstanding business

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1 that cannot legally be performed by the new union elementary or union high  
2 school district.

3 § 718. TRANSFER OF REAL PROPERTY TO TOWN IN WHICH IT IS  
4 LOCATED

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

12 (1) The conveyance to the town shall be made subject to all  
13 encumbrances of record, the assumption or payment of all outstanding bonds  
14 and notes, and the repayment of any school construction aid or grants that may  
15 be required by law if any such obligation was incurred before the operational  
16 date.

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

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

5           § 719. SUPERVISORY UNION; SUPERVISORY DISTRICT

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

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

15           (c) If a supervisory union includes at least one district that is a unified  
16           union school district, then the State Board, on its own initiative or at the  
17           request of the board of the supervisory union or the board of one or more  
18           districts in the supervisory union, may at any time, adjust the supervisory  
19           union board representation required by section 266 of this title to more fairly

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1 and accurately reflect the relative number of students for which each district is  
2 responsible and the grades for which the district operates a school or schools.

3 [Sec. 720 reserved]

4 Article 3. Changes in Union District Membership and  
5 Other Amendments to Articles of Agreement

6 § 721. JOINING AN EXISTING UNION SCHOOL DISTRICT

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

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

12 (2) If the State Board determines that it is in the best interests of the  
13 State, the students, and the districts involved and aligns with the policy set-  
14 forth in section 701 of this title for the interested school district to join the  
15 existing union school district, then at a meeting of the interested school district  
16 warned for the purpose, the voters shall vote whether to apply to the existing  
17 union school district for admission.

18 (3) If the voters of the interested school district approve the proposal to  
19 apply to the union school district for admission, then the clerk of the interested

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1 school district shall certify the results of the vote to the Secretary and to the  
2 clerk of the union school district.

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

7 (b) Action initiated by union school district.

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

12 (2) If the State Board determines that it is in the best interests of the  
13 State, the students, and the districts involved and aligns with the policy set-  
14 forth in section 701 of this title for the school district to join the existing union  
15 school district, then at a union school district meeting warned for the purpose,  
16 the voters shall vote whether to enlarge the union school district to include the  
17 school district.

18 (3) If the voters of the union school district approve the proposal to  
19 include the school district, then the clerk of the union school district shall

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1 certify the results of that vote to the Secretary and to the clerk of the school  
2 district.

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

7 (c) Certification; Secretary of State. Upon receipt of the clerk's  
8 certification pursuant to subdivision (a)(4) (school district application  
9 approval) or (b)(5) (school district approval of offer to join the union school  
10 district) of this section, the Secretary of Education shall designate the existing  
11 union school district to be enlarged pursuant to the votes and shall certify the  
12 enlargement to the Secretary of State. When the Secretary of State records the  
13 certification of the Secretary of Education, the union school district shall be  
14 enlarged accordingly, although the union school district and the school district  
15 that will join it may decide in advance of the votes that the enlarged union  
16 school district shall have a later operational date. The Secretary of State shall  
17 file a certified copy of the recorded certification with the clerks of the union  
18 school district and of the district that is joining it. The Secretary of State shall  
19 file the certified copies not later than 14 days after the date the Secretary of  
20 Education certifies the designation to the Secretary of State. Filing a certified

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1 copy with each clerk shall be prima facie evidence of full compliance with the  
2 requirements for enlarging an existing union school district as set forth in this  
3 section.

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

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

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

15 (a) The union school district voters. Only the voters of a union school  
16 district may amend a specific condition or agreement in the district's articles of  
17 agreement if the condition or agreement was set forth as a distinct subsection  
18 in the warning required by section 712 (warning on vote to establish union  
19 school district and elect initial members of the board) of this chapter to form

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1 the union school district or in a subsequent warning to amend the articles  
2 pursuant to this section, which the voters approved.

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

12 (c) Reduction of grades operated. Notwithstanding the provisions of  
13 subsection (a) (union school district voters) of this section, the voters shall not  
14 vote whether to reduce the grades that the union school district operates, and to  
15 begin paying tuition for those grades, unless the State Board finds it is in the  
16 best interests of the State, the students, and the districts involved and aligns  
17 with the policy set-forth in section 701 of this title and gives prior approval to  
18 the proposed amendment.

19 (d) Number of board members. Notwithstanding the provisions of  
20 subsections (a) (union school district voters) and (b) (union school district



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

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

17 (f) Process. A vote by the voters of a union school district to amend the  
18 articles of agreement shall be by Australian ballot and shall proceed pursuant  
19 to sections 737 (warnings of unified union school district meetings) and 739–  
20 742 (vote by Australian ballot) of this chapter for unified union school districts

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1 and sections 755 (warnings of union elementary and union high school district  
2 meetings) and 757–759 (vote by Australian ballot ) for union elementary and  
3 union high school districts. The warning shall contain each proposed  
4 amendment as a distinct question to be determined separately. The provisions  
5 of this subsection shall not apply to any issue to the extent that a different  
6 section of law provides a specific amendment procedure.

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

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

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

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

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

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

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

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

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

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

19       § 724. WITHDRAWAL FROM OR DISSOLUTION OF A UNIFIED

20               UNION SCHOOL DISTRICT [To be added]

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1     § 725. WITHDRAWAL FROM OR DISSOLUTION OF A UNION

2             ELEMENTARY OR UNION HIGH SCHOOL DISTRICT [To be

3 added]

4     [Secs. 726–728 reserved]

5                     Subchapter 3. Unified Union School Districts

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

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

8             QUORUM AND VOTING; POWERS AND DUTIES

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

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

16             (2) assume office upon election, except as provided in subdivision  
17 737(f)(3) (warnings of unified union school district meetings) of this chapter;  
18 and

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

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

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

12       (d) Weighted voting. If weighted voting is used to achieve constitutionally  
13       required proportionality for members elected under the “proportional to town  
14       population” model described in subdivisions 711(d)(1) (proposed unified union  
15       school district; proportional to town population) and 730(a)(1) (unified union  
16       school district; Australian ballot; proportional to town population) of this  
17       chapter, then a number of members of the board holding a majority of the total  
18       number of weighted votes shall constitute a quorum, and a majority of the  
19       weighted votes cast shall be necessary and sufficient for board action.

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

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

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

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

16       § 730. UNIFIED UNION SCHOOL DISTRICT BOARD MEMBERS;

17               NOMINATION AND ELECTION; BOND

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

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1           (1) Proportional to town population.

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

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

8                   (ii) the petition identifies the term of office for which the  
9           candidate is nominated;

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

12                   (iv) the voters file the petition with the town clerk not later than  
13           5:00 p.m. on the sixth Monday preceding the day of the election; and

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

16           (B) After confirming that the names on the petition correspond to  
17           registered voters of the town, the town clerk shall transmit the name of each  
18           duly nominated candidate to the clerk of the unified union school district.

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1           (C) The district clerk shall prepare a unified union school district  
2           ballot for each town and shall transmit the ballot to the town clerk to make  
3           available to the voters residing in the town.

4           (D) The voters of a town within the unified union school district shall  
5           elect as many board members as are apportioned for that term of office based  
6           on the population of the town.

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

8           (A) When membership on the board of a unified union school district  
9           is allocated to each town within the district, but the allocation is not closely  
10           proportional to the town’s relative population and the board member is elected  
11           at-large, the voters residing in any one or more of the towns within the district  
12           may file a petition nominating a candidate for board membership under the  
13           “modified at-large” model. A petition is valid only if:

14           (i) the candidate is a current voter of the town to which the seat is  
15           allocated;

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           unified union school district;



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

4                   (v) the candidate files with the district clerk a written consent to  
5 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 town within the unified union school  
8 district shall furnish to the district clerk, at the expense of the district,  
9 authenticated copies of the checklist of legal voters within the town as the  
10 checklist appears after revisions are made pursuant to 17 V.S.A. §§ 2141–  
11 2150.

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

16                   (D) The voters of the unified union school district shall elect as many  
17 board members as are to be elected at-large for that term of office under the  
18 “modified at-large” model.

19                   (3) At-large representation.

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

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

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

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

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

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

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

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1 authenticated copies of the checklist of legal voters within the town as the  
2 checklist appears after revisions are made pursuant to 17 V.S.A. §§ 2141–  
3 2150.

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

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

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

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

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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

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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.

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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.

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1     § 732. UNIFIED UNION SCHOOL DISTRICT BUDGET; PREPARATION

2             AND AUTHORIZATION

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

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

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

16     § 733. ANNUAL REPORT; DATA

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

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

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

6 [Sec. 734 reserved]

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

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

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

18 (b) Election.

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



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

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

6 (c) Terms.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 11 MEETINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18           § 739. CONDUCT OF VOTE IF BY AUSTRALIAN BALLOT

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

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

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

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

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

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

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

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

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

### 19           § 741. COUNTING OF AUSTRALIAN BALLOTS

20           (a) Process.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 9 § 743. BOND ISSUES; DEBT LIMIT

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

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

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

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

6 The ballots shall be commingled before counting.

7 [Sec. 744 reserved]

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

10 § 745. DEFINITIONS

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

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

18 (2) Town clerk.

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

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

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

7 [Sec. 746 reserved]

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

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

11 QUORUM AND VOTING; POWERS AND DUTIES

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

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

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

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

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

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

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

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

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

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

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

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

20 § 748. UNION ELEMENTARY AND UNION HIGH SCHOOL DISTRICT

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1                    BOARD MEMBERS; NOMINATION AND ELECTION; BOND

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

5                    (1) Proportional to town population.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

4           (3) At-large representation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1     § 749. VACANCY ON UNION ELEMENTARY OR UNION HIGH

2             SCHOOL DISTRICT BOARD

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

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

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

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

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

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

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

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



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1 district shall transmit the name of the appointed board member to the Secretary  
2 of State.

3 (c) Obligations and expenses.

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

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

14 § 750. UNION ELEMENTARY OR UNION HIGH SCHOOL DISTRICT

15 BUDGET; PREPARATION AND AUTHORIZATION

16 (a) The board of a union elementary or union high school district shall  
17 prepare and distribute a proposed budget annually for the next school year  
18 pursuant to the provisions of subdivision 563(11) (powers of school boards;  
19 budget) of this title.

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

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

11       § 751. ANNUAL REPORT; DATA

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

18       (b) Annually, on or before August 15, the union elementary or union high  
19       school district board shall provide to the Secretary answers to statistical  
20       inquiries that may be addressed to the district by the Secretary.

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1 [Sec. 752 reserved]

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

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

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

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

18 (c) Terms.

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

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

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

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

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

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

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

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

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

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

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

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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

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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:

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

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

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

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

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



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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.

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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

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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.

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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.

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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.

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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.

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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.

### § 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

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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

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1        (c) Articles of agreement in effect on June 30, 2022, as initially adopted by  
2        the voters or subsequently amended, shall govern the district unless and until  
3        amended; provided, however, and notwithstanding the provisions of 1 V.S.A. §  
4        214 or other laws to the contrary, the provisions of this chapter 11 shall govern  
5        in all matters not addressed in the articles of agreement and shall take  
6        precedence in the event of conflict with any article.

### 7        § 764. SECRETARY OF STATE; RECORDING CERTIFICATES

8        (a) To ensure that documentary evidence relating to the creation of union  
9        school districts can be found in one location, the Secretary of Education shall  
10       forward to the Secretary of State copies of the certifications designating the  
11       existence of each new union school district created pursuant to the State  
12       Board’s “Final Report of Decisions and Order on Statewide School District  
13       Merger Decisions Pursuant to 2015 Acts and Resolves No. 46, Sections 8(b)  
14       and 10” dated November 28, 2018 (the Order).

15       (b) The Secretary of State shall record the certifications and all subsequent  
16       amendments and addenda to the certifications.

17       (c) The Secretary of State shall file a certified copy of the recorded  
18       certification and any amendments or addenda with the elected clerk of each  
19       union school district created by the Order.

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1       Sec. 4. EFFECTIVE DATE

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