

1 § 725. WITHDRAWAL FROM OR DISSOLUTION OF A

2 UNION ELEMENTARY OR UNION HIGH SCHOOL DISTRICT

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

4 (1) “Petitioning district” means:

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

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

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15 Board has declared it to be withdrawn from the union elementary or union high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

17 (b) Withdrawal study committee.

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

1 the petitioning district who will serve on a withdrawal study committee. The
2 board of the petitioning district shall submit the petition to the clerk of the
3 union school district after either a vote by the board of the petitioning district
4 or receipt of individual petitions signed by at least five percent of the voters
5 residing in the petitioning district and five percent of the voters residing in
6 each of the other member districts within the union school district, with each
7 member district having its own petition. The clerk of the petitioning district
8 shall submit each petition to the subject member district's clerk for verification
9 of the voting registration of the signors. Once each petition has been verified
10 by the subject district clerk, the board of the petitioning district shall append
11 the individual petitions to the withdrawal petition it sends to the clerk of the
12 union district.

13 (2) To initiate the process set forth in this section if the petitioning
14 district does not have a town school district board, the voters residing in the
15 petitioning district shall submit petitions to the clerk of the unified union
16 school district indicating the petitioners' desire to withdraw the petitioning
17 district from the union district. Individual petitions shall be signed by at least
18 five percent of the voters residing in the petitioning district and five percent of
19 the voters residing in each of the member districts within the union school
20 district, with each district having its own petition. The petitioning district shall
21 submit each petition to that district's clerk for verification of the voting

1 registration status of the signors. Appended to the petition from the petitioning
2 district shall be the names of three voters residing in the petitioning district to
3 serve on a withdrawal study committee and a signed statement by each of the
4 three named voters consenting to serve. Once each petition has been verified
5 by the subject district clerk, the petitioning district shall submit the petitions to
6 the clerk of the union school district.

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

12 (4) Within 30 days after the board's appointment of the liaison
13 subcommittee, the superintendent of the union district shall convene the first
14 formal meeting of the withdrawal study committee. The study committee shall
15 elect one committee member to serve as Chair.

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

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

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

9 (1) the educational advantages and disadvantages likely to result from
10 the proposed withdrawal of the petitioning district from the union elementary
11 or union high school district:

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

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

15 (2) the educational advantages and disadvantages likely to result from
16 the continued inclusion of the petitioning district as a member district of the
17 union elementary or union high school district:

18 (A) on the students residing in the petitioning district; and

19 (B) on the students residing in the other member districts of the union
20 district;

1 (3) the financial advantages and disadvantages likely to result from the
2 proposed withdrawal of the petitioning district from the union elementary or
3 union high school district:

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

5 (B) on the taxpayers remaining in the union district if withdrawal is
6 approved;

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

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

11 (B) on the taxpayers residing in the other member districts within the
12 union district;

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

14 (A) the proposed new school district; and

15 (B) the union elementary or union high school district if withdrawal
16 is approved;

17 (6) any other advantages and disadvantages of withdrawal, including
18 any advantages and disadvantages to the students and taxpayers of the region
19 and the State; and

20 (7) the potential source of supervisory union services for the proposed
21 new district, including discussions with the board of any supervisory union to

1 which the report of the withdrawal study committee might propose assignment
2 or the continuation of assignment.

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

4 (1) Report supporting withdrawal.

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

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

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

13 (I) support withdrawal; and

14 (II) do not support the continuation of the union elementary or
15 union high school district in its current configuration;

16 (ii) the proposed financial terms of withdrawal, including the
17 proposed ownership of buildings and other assets and the proposed
18 responsibility for financial and other contractual obligations, including debts;

19 (iii) a plan, including a detailed timeline, for the actions the
20 proposed new school district would take to ensure that, on the proposed
21 operational date, it could provide for the education of its students in the grades

1 for which the union elementary or union high school district is organized, in a
2 manner that will meet educational quality standards as required by section 165
3 of this title, and including, if applicable, the process by which the proposed
4 new school district would explore formation of a new union district with one or
5 more other school districts in the region and would integrate or condition any
6 votes to withdraw with votes on formation of a new union district;

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

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

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

19 (A) the withdrawal study committee shall prepare a brief written
20 statement explaining the reasons underlying the votes supporting and not
21 supporting advancement, which it shall deliver electronically to the union

1 district board and which the superintendent shall publish on the district's
2 website;

3 (B) the union elementary or union high school district board shall
4 invite the members of the withdrawal study committee to attend a regularly
5 scheduled meeting of the board to present the contents of the written statement
6 and to answer any questions posed by the board; and

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

10 (e) Secretary and State Board.

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

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

17 (A) shall consider the report or reports and the Secretary's
18 recommendations;

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

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

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

6 (E) may request the members of the withdrawal study committee to
7 amend the report.

8 (3) State Board action.

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

14 (i) issue an opinion recommending approval of the withdrawal
15 proposal;

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

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

1 (B) Advisory opinion with negative recommendation. If the State
2 Board finds that the withdrawal proposal contained in the report is not in the
3 best interests of the State, the region, the students, and the school districts or
4 does not align with the policy set forth in section 701 of this title, or both, then
5 the State Board shall:

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

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

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

14 (f) Vote of the electorate.

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

16 (A) Within 90 days of receipt of the State Board's written
17 recommendation, the superintendent shall file the withdrawal study
18 committee's report, the State Board's written recommendation, and any report
19 of the liaison subcommittee with the clerk of the union elementary or union
20 high school district and the district clerk of each of the member districts within
21 the union elementary or union high school district.

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

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

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

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

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

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

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

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

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

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

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

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

1 in each of the other member districts shall vote on the same day whether to
2 approve withdrawal of the petitioning district as set forth in the final report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (i) Certification; Secretary of State. If the State Board declares it to be the
12 obligation of the new school district pursuant to subdivision (h)(2) of this
13 section to provide for the education of resident students who were formerly the
14 responsibility of the union elementary or union high school district, then the
15 Secretary of Education shall certify the adjustment of the member districts
16 within the union elementary or union high school district to the Secretary of
17 State. When the Secretary of State records the certification of the Secretary of
18 Education, the member districts within the union elementary or union high
19 school district shall be adjusted accordingly; provided, however, that the voter-
20 approved proposal of withdrawal shall establish the date on which withdrawal
21 shall be final, the new school district shall assume full and sole responsibility

1 for the education of its residents in the grades for which it is now organized,
2 and the union school district shall no longer have responsibility for the
3 education of those students. Not more than 14 days after the date the Secretary
4 of Education certifies the adjustment, the Secretary of State shall file a certified
5 copy of the recorded certification with the clerk of the union elementary or
6 union school district and the clerk for new school district. Filing a certified
7 copy with the clerks shall be prima facie evidence of full compliance with the
8 requirements for adjusting the union school district by withdrawal as set forth
9 in this section.

10 (j) Timing of action.

11 (1) The voters residing in any member district within a union elementary
12 or union high school district shall not initiate the withdrawal process set forth
13 in this section within the first year after the latter of the operational date of a
14 newly formed union elementary or union high school district or, if applicable,
15 the operational date of a union elementary or union high school district
16 adjusted pursuant to subsection (h) of this section.

17 (2) If a petitioning district's action to withdraw from a union elementary
18 or union high school district is unsuccessful, then the voters residing in that
19 member district shall not initiate a new withdrawal action under this section
20 until two years after either a withdrawal study committee votes not to approve

- 1 advancement of the withdrawal process or the vote by the voters that
- 2 concluded the initial withdrawal action.