

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 1 of 119

1 Introduced by Committee on Education

2 Date:

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

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

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

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

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

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

15 § 571. CONTRACTS TO CONSTRUCT AND OPERATE JOINT SCHOOLS

16 \* \* \*

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

19 \* \* \*

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 2 of 119

1       Sec. 2. REPEAL

2             16 V.S.A. chapter 11 (union schools) is repealed on July 1, 2022.

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

4                             CHAPTER 11. UNION SCHOOL DISTRICTS

5                                     Subchapter 1. General Provisions

6       § 701. POLICY

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

20       § 702. DEFINITIONS

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 3 of 119

1       As used in this chapter:

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

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

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

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

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 4 of 119

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

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

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 5 of 119

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

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

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

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

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

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

17 (iii) paying tuition for all grades.

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

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 6 of 119

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

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

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

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

14 (b) Existing articles of agreement.

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

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 7 of 119

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

6           *[Secs. 704–705 reserved]*

### 7           Subchapter 2. Exploration, Formation, and Organization

#### 8                           Article 1. Process

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

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

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 8 of 119

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

7        (c) Existing union school districts.

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

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

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

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



**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 9 of 119

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 10 of 119

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 11 of 119

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

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

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

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

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

17 COMMITTEE; PARTICIPATION

18 (a) Proposed budget exceeding \$25,000.00.

19 (1) If the proposed budget established in section 706 of this chapter  
20 exceeds \$25,000.00, then subject to the provisions of that section the board of

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 12 of 119

1 each potentially participating school district shall warn the district’s voters to  
2 meet at an annual or special school district meeting to vote whether to  
3 appropriate funds necessary to support the district’s financial share of a study  
4 committee’s costs. It is not necessary for the meeting in each school district to  
5 be warned for the same date. The warning in each school district shall contain  
6 an identical article in substantially the following form:

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 13 of 119

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

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

7 (b) Proposed budget not exceeding \$25,000.00.

8 (1) If the proposed budget established in section 706 of this chapter does  
9 not exceed \$25,000.00, then the boards of the participating school districts  
10 shall appoint a study committee consisting of the number of persons  
11 determined under that section. At least one current board member from each  
12 participating school district shall be appointed to the study committee. The  
13 board of a school district appointing more than one person to the study  
14 committee may appoint residents of the school district who are not members of  
15 the board to any of the remaining seats.

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

19 (c) Additional costs.

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 14 of 119

1           (1) If the voters approve a budget that exceeds \$25,000.00 but the study  
2           committee later determines that its budget is likely to exceed the projected,  
3           voter-approved amount, then the boards of all participating school districts  
4           shall obtain voter approval for the amounts exceeding the previously-approved  
5           budget in the manner set forth in subdivision (a)(1) of this section before the  
6           study committee obligates or expends sums in excess of the initial voter-  
7           approved amount.

8           (2) If a proposed budget does not exceed \$25,000.00 at the time the  
9           school boards appoint members to the study committee, but the study  
10           committee later determines that its total budget is likely to exceed \$25,000.00,  
11           then the boards of all participating school districts shall obtain voter approval  
12           for the amounts exceeding \$25,000.00 in the manner set forth in subdivision  
13           (a)(1) of this section before the study committee obligates or expends funds in  
14           excess of \$25,000.00.

15           (d) Grants. Costs to be paid by State, federal, or private grants shall not be  
16           included when calculating whether a study committee’s budget or proposed  
17           budget exceeds \$25,000.00.

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 15 of 119

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

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

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

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

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

13 (f) Formal participation in study committee.

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 16 of 119

1        (g) Additional formal participants.

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

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

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

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

18        (h) Informal participation by other school districts.

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



**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 17 of 119

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

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

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

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

16 § 708. STUDY COMMITTEE; NECESSARY AND ADVISABLE

17 DISTRICTS; CONTENTS OF STUDY COMMITTEE REPORT AND

18 PROPOSED ARTICLES; DISSOLUTION OF COMMITTEE

19 (a) Study committee; process.

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 18 of 119

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

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 19 of 119

1 whether each school district included in the recommended formation is

2 “necessary” or “advisable” to formation.

3 (1) “Necessary” school district.

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

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

6 is a formal participant in the study committee.

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

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

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

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

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

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

13 (2) “Advisable” school district.

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

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

16 is not a formal participant in the study committee.

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 20 of 119

1 this chapter, except upon application of 10 percent of the voters in the school  
2 district.

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

5 (3) Existing union elementary or union high school district.

6 Notwithstanding other provisions of this subsection (b), an existing union  
7 elementary or union high school district is “necessary” to the formation of a  
8 unified union school district even though its interests are represented by its  
9 member districts pursuant to subdivision 706(c)(1) (study committee budget  
10 and membership for existing union school districts) of this chapter.

11 (c) Proposal to form union school district; report and proposed articles of  
12 agreement. If a study committee determines that it is advisable to propose  
13 formation of a union school district, then it shall prepare a report analyzing the  
14 strengths and challenges of the current structures of all “necessary” and  
15 “advisable” school districts and outlining the ways in which a union school  
16 district promotes the State policy set forth in section 701 of this chapter. The  
17 study committee shall also prepare proposed articles of agreement that, if  
18 approved pursuant to the provisions of this chapter, shall serve as the operating  
19 agreement for the new union school district. At a minimum, articles of  
20 agreement shall state:

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 21 of 119

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

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

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

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

9           (5) The cost and general location of any proposed new school buildings  
10          to be constructed and the cost and general description of any proposed  
11          renovations to existing school buildings.

12          (6) A plan for the first year of the union school district’s operation for  
13          transportation of students, assignment of staff, and use of curriculum that is  
14          consistent with existing contracts, collective bargaining agreements, and other  
15          provisions of law. The board of the union school district, if formed, shall make  
16          all subsequent decisions regarding transportation, staff, and curriculum subject  
17          to existing contracts, collective bargaining agreements, and other provisions of  
18          law.

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

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 22 of 119

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

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

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

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

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

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 23 of 119

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

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

5           (d) No proposal to form a union school district. If a study committee  
6 determines that it is inadvisable to propose formation of a union school district,  
7 then its members shall vote to dissolve the committee. If the study committee  
8 members vote to dissolve, then the chair shall notify the Secretary in writing of  
9 the vote.

10          (e) Dissolution of study committee.

11           (1) If a study committee proposes formation of a union school district  
12 pursuant to subsection (c) of this section, then the committee shall cease to  
13 exist when the clerk of each school district voting on a proposal to establish the  
14 union school district has certified the results of the vote to the Secretary  
15 pursuant to subsection 713(a) of this chapter.

16           (2) If a study committee determines that it is inadvisable to propose  
17 formation of a union school district, then the committee shall cease to exist  
18 when the chair notifies the Secretary of the committee's vote pursuant to  
19 subsection (d) of this section.

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 24 of 119

1     § 709. REVIEW BY LOCAL SCHOOL DISTRICT BOARDS:

2             CONSIDERATION AND APPROVAL BY STATE BOARD OF  
3             EDUCATION

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

13            (b) If a study committee determines that it is advisable to propose  
14            formation of a union school district, then the committee shall transmit the  
15            report and proposed articles of agreement to the Secretary who shall submit  
16            them with recommendations to the State Board.

17            (c)(1) The State Board:

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

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



**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 25 of 119

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

4           (D) may request that the study committee amend the report on the  
5           proposed articles of agreement, or both.

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

12          (d) The chair of the study committee shall file a copy of the approved final  
13          report and proposed articles of agreement with the clerk of each school district  
14          identified as “necessary” or “advisable” at least 30 days prior to the vote of the  
15          electorate on whether to form the union school district.

16          § 710. VOTE TO FORM UNION SCHOOL DISTRICT

17          Subject to the provisions of subsections 706(c) (proposal to form study  
18          committee; existing union school districts) and 708(b) (study committee;  
19          necessary and advisable districts) of this chapter, the voters of each school

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 26 of 119

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

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

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

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

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 27 of 119

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

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 28 of 119

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 29 of 119

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 30 of 119

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

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

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

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 31 of 119

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

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

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 32 of 119

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

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

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

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



**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 33 of 119

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

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

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 34 of 119

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 35 of 119

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

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

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 36 of 119

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

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

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

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

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

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

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 37 of 119

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 38 of 119

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

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 39 of 119

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 40 of 119

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

5 § 712. CONTENTS OF WARNING ON VOTES TO ESTABLISH THE  
6 UNION SCHOOL DISTRICT AND ELECT THE INITIAL  
7 MEMBERS OF THE UNION SCHOOL DISTRICT BOARD

8 The warning for each school district meeting to vote on formation of a  
9 union school district shall contain two articles in substantially the following  
10 form. The language used in Article 1 shall be the same for each “necessary”  
11 and “advisable” district voting on formation of the new district. Article II of  
12 the warning shall not include names of candidates for the union school district  
13 board.

14 WARNING

15 The voters of the \_\_\_\_\_ School District are hereby notified  
16 and warned to meet at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, to vote by  
17 Australian ballot between the hours of \_\_\_\_\_, at which time the polls will  
18 open, and \_\_\_\_\_, at which time the polls will close, upon the following articles  
19 of business:



**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 41 of 119

1                    Article I. FORMATION OF UNION SCHOOL DISTRICT

2                    Shall the \_\_\_\_\_ School District, which the proposed articles  
3                    of agreement have identified as [“necessary” or “advisable”] to the formation  
4                    of the proposed union school district, join with the school district[s] of  
5                    \_\_\_\_\_ and \_\_\_\_\_, which are identified as  
6                    “necessary” to formation, and potentially the school district[s] of  
7                    \_\_\_\_\_ and \_\_\_\_\_, which are identified as  
8                    “advisable” to formation, for the purpose of forming a union school district, as  
9                    provided in Title 16, Vermont Statutes Annotated, upon the following  
10                   conditions and agreements:

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

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

18                   (c) Union school district board. [State method by which representation of  
19                   each member of the union school board is to be determined pursuant to section  
20                   711 (vote to elect initial members) of this chapter.]

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 42 of 119

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

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

9                    Article II. ELECTION OF INITIAL MEMBERS OF THE UNION

10                                    SCHOOL DISTRICT BOARD

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 43 of 119

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

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

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

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

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

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 44 of 119

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 45 of 119

1     § 714. INITIAL MEMBERS OF UNION SCHOOL DISTRICT BOARD;

2             TALLYING OF AT-LARGE VOTES; OATH OF OFFICE AND

3             ASSUMPTION OF DUTIES

4             (a) Tallying of at-large votes for initial members of board. If the voters  
5             have elected some or all of the initial members of the union school district  
6             board under either model involving at-large voting as set forth in subdivision  
7             (d)(2) (proposed unified union school district; modified at-large), (d)(3)  
8             (proposed unified union school district; at-large), (e)(2) (proposed union  
9             elementary or union high school district; modified at-large), or (e)(3)  
10            (proposed union elementary or union high school district; at-large) of section  
11            711, then the total votes cast for each of the at-large candidates shall be  
12            calculated as follows:

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 46 of 119

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

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

8           (1) The clerk of each forming district shall transmit the names of board  
9 members elected in a manner that is proportional to town population as set  
10 forth in subdivision 711(d)(1) (proposed unified union district; proportional to  
11 town population) or (e)(1) (proposed union elementary or union high school  
12 district; proportional to town population) of this chapter.

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

15           (c) Oath of office; assumption of duties; election of chair and clerk. The  
16 superintendent of the supervisory union serving the new union school district  
17 shall cause the initial board members to be sworn in. Although the swearing-in  
18 may occur prior to the organizational meeting required by section 715 of this  
19 chapter, it shall not occur before the Secretary of State files the certified copy  
20 of the recorded certification with each clerk pursuant to subsection 713(e) of

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 47 of 119

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

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

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

12 (b) Notice.

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 48 of 119

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

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

5 (c) Business to be transacted.

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

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

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

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

17 (D) Elect a treasurer of the union school district, who may also be the  
18 supervisory union treasurer.



## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 49 of 119

1           (E) Determine the date and location of the union school district’s  
2           annual meeting, which shall be not earlier than February 1 nor later than June  
3           1, if not previously determined by the voter-approved articles of agreement.

4           (F) Determine whether compensation shall be paid to the moderator,  
5           clerk, and treasurer of the union school district elected at the organizational  
6           meeting and at subsequent annual meetings of the union school district and, if  
7           so, the amount to be paid to them.

8           (G) Determine whether compensation shall be paid to members of the  
9           union school district board and, if so, the amount to be paid to them.

10           (H) Establish provisions for payment by the union school district of  
11           any expense incurred or to be incurred by or on behalf of the district for the  
12           period between the date on which the voters approved formation of the union  
13           school district and the first annual meeting of the union district.

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

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 50 of 119

1           (J) Transact any other business, the subject matter of which has been  
2           included in the warning, that the voters have power to transact at any annual or  
3           special meeting and transact any nonbinding business that may legally come  
4           before the voters.

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

10           (3) The elected officers listed in subdivisions (c)(1)(A) (temporary  
11           presiding officer and temporary clerk), (C) (moderator and clerk of the union  
12           school district) (D) (treasurer of this section shall be sworn in before entering  
13           upon the duties of their offices and a record made by the district clerk. They  
14           shall assume office upon being sworn in. The officers listed in subdivisions  
15           (c)(1)(C) and (D) of this section shall serve terms as set forth in section 735  
16           (unified union school districts; officers) or 753 (union elementary and union  
17           high school district; officers) of this chapter.

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 51 of 119

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 52 of 119

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,

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 53 of 119

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.

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 54 of 119

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.

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 55 of 119

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

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 56 of 119

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



**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 57 of 119

1 completing any outstanding business that cannot legally be performed by the  
2 new union elementary or union high 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.

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 58 of 119

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 11 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           [Sec. 720 reserved]

16                   Article 3. Changes in Union District Membership and

17                           Other Amendments to Articles of Agreement

18           § 721. JOINING AN EXISTING UNION SCHOOL DISTRICT

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

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 59 of 119

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

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

11          (3) If the voters of the interested school district approve the proposal to  
12          apply to the union school district for admission, then the clerk of the interested  
13          school district shall certify the results of the vote to the Secretary and to the  
14          clerk of the union school district.

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

19          (b) Action initiated by union school district.

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 60 of 119

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

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

11          (3) If the voters of the union school district approve the proposal to  
12          include the school district, then the clerk of the union school district shall  
13          certify the results of that vote to the Secretary and to the clerk of the school  
14          district.

15          (4) Within 180 days after it receives the notification in subdivision (3)  
16          of this subsection, the board of the school district shall warn a special meeting  
17          of the district, setting forth in the warning the results of the vote of the union  
18          school district and the proposed change in the union district boundaries.

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 61 of 119

1           (5) If the voters of the school district approve the offer to join the union  
2 school district, then the clerk of the school district shall certify the results of  
3 the vote to the Secretary.

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 62 of 119

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

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

11       § 722. AMENDMENTS TO ARTICLES OF AGREEMENT

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

19       (b) The union school district board. The board of a union school district  
20       can amend a specific condition or agreement in the district’s articles of

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 63 of 119

1 agreement only if the condition or agreement was not set forth as a distinct  
2 subsection in a warning required in subsection (a) of this section, but was  
3 instead incorporated into the warning by reference pursuant to the paragraph  
4 identified as “(e) Final Report” in section 712 (warning on vote to establish  
5 union school district and elect initial members of the board) of this chapter, or  
6 if the original articles of agreement or voter-approved amendments authorize  
7 the board to amend a specific condition or agreement.

8 (c) Reduction of grades operated. Notwithstanding the provisions of  
9 subsection (a) (union school district voters) of this section, the voters shall not  
10 vote whether to reduce the grades that the union school district operates, and to  
11 begin paying tuition for those grades, unless the State Board gives prior  
12 approval to the proposed amendment.

13 (d) Number of board members. Notwithstanding the provisions of  
14 subsections (a) (union school district voters) and (b) (union school district  
15 board) of this section, if membership on a union school district board is  
16 proportional to town population as set forth in subdivisions 711(d)(1)  
17 (proposed unified union school district) and 711(e)(1) (proposed union  
18 elementary or union high school district) of this chapter, and if the district’s  
19 articles of agreement direct the board to adjust board membership when  
20 necessary to conform to each new decennial census, then the board shall

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 64 of 119

1 amend the articles to adjust the apportionment of board seats without  
2 presenting the amendment to the voters for approval.

3 (e) Districts created by State Board order. Notwithstanding the provisions  
4 of subsections (a)(union school district voters) and (b) (union school district  
5 board) of this section, the authority to amend the articles governing any union  
6 school district formed by the State Board’s Final Report and Order issued on  
7 November 30, 2019 pursuant to 2015 Acts and Resolves No. 46, as amended,  
8 vests either with the electorate or the board pursuant to the provisions of  
9 Article 14, as that article was issued by the State Board or subsequently  
10 amended by the voters of the union school district.

11 (f) Process. A vote by the voters of a union school district to amend the  
12 articles of agreement shall be by Australian ballot and shall proceed pursuant  
13 to sections 737 (warnings of unified union school district meetings) and 739–  
14 742 (vote by Australian ballot) of this chapter for unified union school districts  
15 and sections 755 (warnings of union elementary and union high school district  
16 meetings) and 757–759 (vote by Australian ballot ) for union elementary and  
17 union high school districts. The warning shall contain each proposed  
18 amendment as a distinct question to be determined separately. The provisions  
19 of this subsection shall not apply to any issue to the extent that a different  
20 section of law provides a specific amendment procedure.



**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 65 of 119

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

4        § 723. DECISION TO VOTE BY AUSTRALIAN BALLOT

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

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

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

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

19       (1) If the voters determine that the ballots shall not be commingled for  
20       counting in this manner, then the board of civil authority of each town within

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 66 of 119

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

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

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

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

13 § 724. WITHDRAWAL FROM OR DISSOLUTION OF A UNION

14 ELEMENTARY SCHOOL DISTRICT OR UNION HIGH SCHOOL

15 DISTRICT [This section is being considered in a separate bill.]

16 § 725. WITHDRAWAL FROM OR DISSOLUTION OF A UNIFIED

17 UNION SCHOOL DISTRICT [This section is being considered in a

18 separate bill.]

19 [Secs. 726–728 reserved]

20 Subchapter 3. Unified Union School Districts

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 67 of 119

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

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

3                QUORUM AND VOTING; POWERS AND DUTIES

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

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

11                (2) assume office upon election, except as provided in subdivision  
12        737(f)(3) (warnings of unified union school district meetings) of this chapter;  
13        and

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

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

19        (c) Quorum. A majority of the members of the board shall constitute a  
20        quorum. Subject to the provisions of subsection (d) of this section but

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 68 of 119

1 notwithstanding any other provision of law, the concurrence of a majority of  
2 members present at a unified union school district board meeting shall be  
3 necessary and sufficient for board action; provided, however, the concurrence  
4 of more than a majority shall be necessary if required for a particular action by  
5 the voter-approved articles of agreement.

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

14 (e) Board chair and board clerk. At the board meeting next following each  
15 annual district meeting, the unified union school district board shall elect one  
16 of its number to serve as the chair of the board and one other of its number to  
17 serve as the clerk of the board.

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 69 of 119

1        (g) Minutes. The board clerk shall prepare minutes of the proceedings of  
2        the unified union school district board, unless the board votes to delegate those  
3        duties to another individual. The board clerk shall transmit the minutes and all  
4        other documents constituting the record of board proceedings to the clerk of  
5        the unified union school district, who shall be responsible for maintaining a  
6        permanent record of board proceedings. In the board clerk’s absence, another  
7        member of the school board shall assume the duties of the clerk.

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

9        § 730. UNIFIED UNION SCHOOL DISTRICT BOARD MEMBERS;

10        NOMINATION AND ELECTION; BOND

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

14        (1) Proportional to town population.

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 70 of 119

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 30 voters residing in the town  
4 or one percent of the legal voters in the town, whichever is less;

5                    (iv) the voters file the petition with the town clerk not later than  
6 5:00 p.m. on the sixth Monday preceding the day of the election; and

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

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

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

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

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

19                    (A) When membership on the board of a unified union school district  
20 is allocated to each town within the district, but the allocation is not closely

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 71 of 119

1 proportional to the town’s relative population and the board member is elected  
2 at-large, the voters residing in any one or more of the towns within the district  
3 may file a petition nominating a candidate for board membership under the  
4 “modified at-large” model. A petition is valid only if:

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

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 60 voters residing in the  
10 unified union school district;

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 72 of 119

1 checklist appears after revisions are made pursuant to 17 V.S.A. §§ 2141–  
2 2150.

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

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

10 (3) At-large representation.

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

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

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



**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 73 of 119

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

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 74 of 119

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

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

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

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

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

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 75 of 119

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

### 4        § 731. VACANCY ON UNIFIED UNION SCHOOL DISTRICT BOARD

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

9        (1) Proportional to town population. If the vacancy is for a seat where  
10       membership is apportioned to a town within the unified union school district in  
11       a number that is closely proportional to the town’s relative population and only  
12       voters residing in the town elect the board member, then the clerk of the  
13       unified union school district shall notify the selectboard of the town not later  
14       than five days after learning of the vacancy. Within 30 days after providing  
15       notice and after consultation with the selectboard, the unified union school  
16       district board shall appoint an eligible person to fill the vacancy until the voters  
17       elect a successor at an annual or special meeting.

18       (2) Modified at-large model: allocation to town; at-large representation.  
19       If the vacancy is for a seat where membership is allocated to a town within the  
20       unified union school district in a number that is not closely proportional to

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 76 of 119

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

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

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

15 (b) Notification. Within 10 days after the appointment of a board member  
16 pursuant to this section, the district clerk of the unified union school district  
17 shall transmit the name of the appointed board member to the Secretary of  
18 State.

19 (c) Obligations and expenses.

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 77 of 119

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

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

11           § 732. UNIFIED UNION SCHOOL DISTRICT BUDGET; PREPARATION  
12           AND AUTHORIZATION

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

16           (b) If the voters do not approve the board’s proposed budget, then the board  
17           shall prepare and present a revised proposed budget pursuant to 17 V.S.A.  
18           § 2680(c)(2) (local elections; Australian ballot system; rejected budget).

19           (c) If the voters do not approve a budget on or before June 30 of any year,  
20           then the board of the unified union school district may borrow funds pursuant

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 78 of 119

1 to the authority granted under section 566 (school district; authority to borrow)  
2 of this title. As used in section 566, the “most recently approved school  
3 budget” of a union school district in its first fiscal year of full operations means  
4 the cumulative budget amount of the most recently approved school budgets of  
5 all districts that merged to form the union district.

### 6 § 733. ANNUAL REPORT; DATA

7 (a) The board of a unified union school district shall prepare an annual  
8 report concerning the affairs of the district and have it printed and distributed  
9 to the voters of the district pursuant to the provisions of subdivision 563(10)  
10 (school districts; powers of school boards; report) of this title. The board shall  
11 file the report with the unified union school district clerk and with the town  
12 clerk of each town within the district.

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

16 [Sec. 734 reserved]

17 Article 2. Unified Union School Districts – Officers, Annual Meetings,

18 and Special Meetings

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 79 of 119

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

2           (a) Officers. The voters of a unified school district shall elect the following  
3     officers of the district at an annual meeting of the unified union school district  
4     from among the registered voters of the district: moderator, clerk, and  
5     treasurer.

6           (b) Election.

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

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

14          (c) Terms.

15          (1) Moderator. A moderator elected at an annual meeting pursuant to  
16    this section shall assume office on July 1 following the election, unless the  
17    voters vote at an annual meeting for the moderator to assume office upon  
18    election. A moderator shall serve a term of one year or until a successor is  
19    elected and has taken the oath of office.

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 80 of 119

1           (2) Clerk. A clerk elected at an annual meeting pursuant to this section  
2           shall assume office on July 1 following the election. A clerk shall serve a term  
3           of one year or until a successor is elected and has taken the oath of office.

4           (3) Treasurer. A treasurer elected at an annual meeting pursuant to this  
5           section shall assume office on July 1 following the election. A treasurer shall  
6           serve a term of one year or until a successor is elected and has taken the oath of  
7           office.

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

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

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

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



## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 81 of 119

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

2           (a) Moderator. The powers, duties, and liabilities of the moderator of a  
3     unified union school district shall be the same as those of a moderator of a  
4     town school district. The moderator shall preside at each annual and special  
5     meeting of the unified union school district. In the moderator’s absence, the  
6     voters shall elect a moderator pro tempore to preside.

7           (b) Clerk. The powers, duties, and liabilities of the clerk of a unified union  
8     school district shall be the same as those of a clerk of a town school district.  
9     The district clerk shall keep a record of the votes and the proceedings of the  
10    union school district meetings and shall provide certified copies of them when  
11    requested.

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 82 of 119

1     § 737. WARNINGS OF UNIFIED UNION SCHOOL DISTRICT

2             MEETINGS

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

6             (b) Except as provided in subsection (f) of this section, the district clerk  
7             shall warn a unified union school district meeting pursuant to the provisions of  
8             17 V.S.A. § 2641 (town meetings and local elections; warning and notice  
9             publication) by posting a warning and notice to voters, signed by the chair of  
10            the board or the chair’s designee, specifying the date, time, location, and  
11            business of the meeting, in at least one public place in each town within the  
12            unified union school district, and causing the same to be published once in a  
13            newspaper circulating in the unified union school district. In the district  
14            clerk’s absence, the chair of the board or the chair’s designee shall warn the  
15            meeting pursuant to the provisions of this section.

16            (c) The warning shall, by separate articles, specifically indicate the  
17            business to be transacted, to include the offices and the questions upon which  
18            the electorate shall vote. The warning shall also contain any article or articles  
19            requested by a petition signed by at least five percent of the voters of the

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 83 of 119

1 district and filed with the district clerk pursuant to 17 V.S.A. § 2642 (town  
2 meetings and local elections; warning and notice contents).

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

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

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

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

13 (A) The district clerk shall transmit the signed warning to each town  
14 clerk.

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

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

19 (2) Notwithstanding any provision of law to the contrary, if any town  
20 within the unified union school district elects its selectboard members by

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 84 of 119

1 Australian ballot, then the warning, nomination, ballot preparation, and  
2 election of unified union school district board members shall proceed pursuant  
3 to the same laws that govern the town.

4 (3) If an annual town meeting at which the board members are elected  
5 under this subsection (f) is more than 30 days prior to the annual meeting of  
6 the unified union school district, then notwithstanding subsection 729(a)  
7 (members of unified union school district boards) of this section, the newly  
8 elected board members shall assume office at the conclusion of the district’s  
9 annual meeting.

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

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

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

16 § 738. CHECKLIST FOR UNION DISTRICT MEETINGS WHERE

17 VOTING IS CONDUCTED FROM THE FLOOR

18 (a) Not later than the close of business on the day before an annual or  
19 special meeting of a unified union school district, the town clerk of each town  
20 within the district shall furnish to the district clerk, at the expense of the

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 85 of 119

1 district, authenticated copies of the checklist of legal voters within the town as  
2 the checklist appears after revisions are made pursuant to 17 V.S.A. §§ 2141–  
3 2150 (elections; registration of voters). The checklist shall control for  
4 purposes of determining voter eligibility in the unified union school district.

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

8 (c) This section shall not apply to a meeting warned pursuant to subsection  
9 737(f) (unified union school district meetings; proportional to town population;  
10 floor vote) of this chapter.

### 11 § 739. CONDUCT OF VOTE IF BY AUSTRALIAN BALLOT

12 For any vote that proceeds by Australian ballot in a unified union school  
13 district:

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

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

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

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 86 of 119

1           (4) The opportunity for early and absentee voting pursuant to 17 V.S.A.  
2           §§ 2531–2550 (conduct of elections; early and absentee voters) shall be  
3           provided.

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

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

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

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

### 13          § 741. COUNTING OF AUSTRALIAN BALLOTS

14          (a) Process.

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

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 87 of 119

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

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

9           (4) The ballots shall be counted as soon as possible, but not later than  
10          24 hours after the time at which the polls closed.

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

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

18          (b) Applicability. The counting of Australian ballots cast by voters in a  
19          unified union school district for the election of members of the district board,  
20          for the election of district officers, for proposed budgets, and for any other

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 88 of 119

1 public questions shall proceed pursuant to the provisions of this section, except

2 when:

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

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

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

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

16 AUSTRALIAN BALLOT AND FROM THE FLOOR

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



## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 89 of 119

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 90 of 119

1     § 743. BOND ISSUES; DEBT LIMIT

2           (a) A unified union school district may make improvements, as defined by  
3     24 V.S.A. § 1751 (municipal and county government; indebtedness  
4     definitions), and may incur indebtedness for improvements as provided in 24  
5     V.S.A. chapter 53, subchapter 1 (municipal and county government;  
6     indebtedness generally).

7           (b) The debt limit of the unified union school district shall be 10 times the  
8     total of the education grand lists of the towns within the unified union school  
9     district. The existing indebtedness of a unified union school district incurred to  
10    finance any project approved under sections 3447 to 3456 (State aid for capital  
11    construction costs) of this title shall not be considered a part of the  
12    indebtedness of the unified union school district for purposes of determining its  
13    debt limit for a new proposed bond issue.

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

18    [Sec. 744 reserved]

19                    Subchapter 4. Union Elementary School Districts and  
20                            Union High School Districts



**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 92 of 119

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

2             QUORUM AND VOTING; POWERS AND DUTIES

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

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

9                 (2) assume office upon election, except as provided in subdivision  
10            755(f)(3) (warnings of union elementary and union high school district  
11            meetings) of this chapter; and

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

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

17             (c) Quorum. A majority of the members of the board shall constitute a  
18             quorum. Subject to the provisions of subsection (d) of this section but  
19             notwithstanding any other provision of law, the concurrence of a majority of  
20             members present at a union elementary or union high school district board

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 93 of 119

1 meeting shall be necessary and sufficient for board action; provided, however,  
2 the concurrence of more than a majority shall be necessary if required for a  
3 particular action by the voter-approved articles of agreement.

4 (d) Weighted voting. If weighted voting is used to achieve constitutionally  
5 required proportionality for members elected under the “proportional to town  
6 population” model set out in subdivisions 711(e)(1) (proposed union  
7 elementary or union high school district; proportional to town population) and  
8 748(a)(1) (union elementary and union high school district board members;  
9 Australian ballot; proportional to town population) of this chapter, then a  
10 number of members of the board holding a majority of the total number of  
11 weighted votes shall constitute a quorum, and a majority of the weighted votes  
12 cast shall be necessary and sufficient for board action.

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

17 (f) Powers, duties, and liabilities. The powers, duties, and liabilities of a  
18 union elementary or union high school district board, board chair, and board  
19 clerk shall be the same as those of a board, board chair, and board clerk of a  
20 town school district.

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 94 of 119

1       (g) Minutes. The board clerk shall prepare minutes of the proceedings of  
2       the union elementary or union high school district board, unless the board  
3       votes to delegate those duties to another individual. The board clerk shall  
4       transmit the minutes and all other documents constituting the record of board  
5       proceedings to the clerk of the union elementary or union high school district,  
6       who shall be responsible for maintaining a permanent record of board  
7       proceedings. In the board clerk’s absence, another member of the school board  
8       shall assume the duties of the clerk.

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

10       § 748. UNION ELEMENTARY AND UNION HIGH SCHOOL DISTRICT

11               BOARD MEMBERS; NOMINATION AND ELECTION; BOND

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

15               (1) Proportional to town population.

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 95 of 119

1                   (i) the candidate is a current voter of the 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 member district or one percent of the legal voters in that district, whichever is  
6 less;

7                   (iv) the voters file the petition 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) After confirming that the names on the petition correspond to  
12 registered voters of the member district, the town clerk shall transmit the name  
13 of each duly nominated candidate to the clerk of the union elementary or union  
14 high school district.

15                   (C) The union district clerk shall prepare a union elementary or union  
16 high school district ballot for each member district and shall transmit the ballot  
17 to the town clerk to make available to the voters residing in the member  
18 district.

19                   (D) The voters of the member district shall elect as many board  
20 members as are apportioned for that term of office on the union elementary or

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 96 of 119

1 union high school district board based on the population of the member  
2 district.

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

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

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

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 60 voters residing in the  
15 union elementary or union high school district;

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

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



**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 97 of 119

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

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

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

13           (3) At-large representation.

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 98 of 119

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

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

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 99 of 119

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.

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

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

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

18          (3) The meeting shall proceed in a manner to ensure that the candidate is  
19          a voter of a specific member district if the union district elects board members

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 100 of 119

1 under either the “proportional to town population” model or the “modified at-  
2 large” model.

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

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

10 § 749. VACANCY ON UNION ELEMENTARY OR UNION HIGH  
11 SCHOOL DISTRICT BOARD

12 (a) Filling a vacancy. Notwithstanding any other provisions of law to the  
13 contrary, this section shall apply to a vacancy on a union elementary or union  
14 high school district board, unless otherwise provided in the articles of  
15 agreement of the union elementary or union high school district as initially  
16 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 member district in a number that is closely  
19 proportional to its relative population and only voters residing in the member  
20 district elect the board member, then the union elementary or union high

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 101 of 119

1 school district clerk shall notify the board of the member district not later than  
2 five days after learning of the vacancy. Within 30 days after receiving notice,  
3 the board of the member district shall appoint a person who is otherwise  
4 eligible to serve as a member of the union elementary or union high school  
5 district board to fill the vacancy until the voters elect a successor at an annual  
6 or special meeting pursuant to the provisions of section 748 (union elementary  
7 and union high school district board members) of this chapter.

8 (2) Modified at-large model: allocation to town; at-large representation.  
9 If the vacancy is for a seat where membership is allocated to a member district  
10 in a number that is not closely proportional to each district's relative  
11 population and the board member is elected at-large, then the union elementary  
12 or union high school district clerk shall notify the board of the member district  
13 not later than five days after learning of the vacancy. Within 30 days after  
14 providing notice and after consultation with the member district's board, the  
15 union elementary or union high school district board shall appoint a person  
16 who is otherwise eligible to serve as a member of the union elementary or  
17 union high school district board to fill the vacancy until the voters elect a  
18 successor at an annual or special meeting pursuant to the provisions of section  
19 748 (union elementary and union high school district board members) of this  
20 chapter.

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 102 of 119

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

10           (4) No board of member district. For purposes of subdivisions (1)  
11           (proportional to town population) and (2) (modified at-large) of this subsection  
12           (a), if the member district is also a union school district and any related town  
13           school district has discontinued operations pursuant to section 717(b)(2)  
14           (discontinuation of forming districts in union elementary and union high  
15           school districts) of this chapter and has no board, then the clerk of the union  
16           elementary or union high school district shall notify the selectboard of the  
17           pertinent town not later than five days after learning of the vacancy. Within  
18           30 days after providing notice and after consultation with the selectboard, the  
19           union elementary or union high school district board shall appoint a person  
20           who is otherwise eligible to serve as a member of the union elementary or

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 103 of 119

1 union high school district board to fill the vacancy until the voters elect a  
2 successor at an annual or special meeting pursuant to the provisions of section  
3 748 (union elementary and union high school district board members) of this  
4 chapter.

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

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

11 (c) Obligations and expenses.

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

17 (2) Vacancy in all seats. If there are no members of the union  
18 elementary or union high school district board in office, then the Secretary of  
19 State shall appoint and authorize the district clerk or other qualified person to

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 104 of 119

1 draw orders for payment of continuing obligations and necessary expenses

2 until a majority of the vacancies are filled.

3 § 750. UNION ELEMENTARY OR UNION HIGH SCHOOL DISTRICT

4 BUDGET; PREPARATION AND AUTHORIZATION

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

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

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



**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 105 of 119

1     § 751. ANNUAL REPORT; DATA

2           (a) The board of a union elementary or union high school district shall  
3     prepare an annual report concerning the affairs of the district and have it  
4     printed and distributed to the voters of the district pursuant to the provisions of  
5     subdivision 563(10) (powers of school boards; report) of this title. The board  
6     shall file the report with the union district clerk and the clerk of each member  
7     district.

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

11    [Sec. 752 reserved]

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

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

15           (a) Officers. The voters of a union elementary or union high school district  
16    shall elect the following officers of the district at an annual meeting of the  
17    union district from among the registered voters of the union district:  
18    moderator, clerk, and treasurer.

19           (b) Election if by Australian ballot. If a union elementary or union high  
20    school district elects its officers by Australian ballot, then the provisions of

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 106 of 119

1 subdivision 748(a)(3) for election by Australian ballot of at-large candidates  
2 for the union elementary or union high school district board shall apply.

3 (c) Terms.

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

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

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

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

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 107 of 119

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

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

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

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

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

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

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 108 of 119

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

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

7        § 755. WARNINGS OF UNION ELEMENTARY AND UNION HIGH  
8        SCHOOL DISTRICT MEETINGS

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

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

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 109 of 119

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

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 110 of 119

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

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

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

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 111 of 119

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

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

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

8        § 756. UNION DISTRICT MEETINGS CONDUCTED FROM THE FLOOR

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

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

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 112 of 119

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

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

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

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

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



**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 113 of 119

1 formally resided confirming that the person lived within the union elementary  
2 or union high school district for the requisite number of days.

3 § 757. CONDUCT OF VOTE IF BY AUSTRALIAN BALLOT

4 In any vote that proceeds by Australian ballot in a union elementary or  
5 union high school district:

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

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

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

12 (4) The opportunity for early and absentee voting pursuant to 17 V.S.A.  
13 §§ 2531–2550 (conduct of elections; early or absentee voters) shall be  
14 provided.

15 § 758. PREPARATION AND FORM OF AUSTRALIAN BALLOT

16 (a) The clerk of a union elementary or union high school district shall  
17 prepare the ballot for any vote that proceeds by Australian ballot in the union  
18 school district.

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 114 of 119

1        (b) Only questions warned by the union elementary or union high school  
2        district and presented to the voters of that district shall appear on a ballot  
3        prepared pursuant to subsection (a) of this section.

4        (c) Warned questions of the union elementary or union high school district  
5        shall not appear on the same ballot as questions warned by a member district of  
6        the union elementary or union high school district or by the legislative body of  
7        a town within the union elementary or union high school district.

### 8        § 759. COUNTING AND REPORTING RESULTS OF VOTE BY

#### 9                AUSTRALIAN BALLOT

10        (a) Process if commingled. If the voters have approved the commingling  
11        of votes cast by Australian ballot for any or all categories of public questions,  
12        including elections and budget votes, or if Vermont law requires commingling,  
13        then the following process applies to those votes except to the extent that  
14        Vermont law explicitly requires a different process for a specific type of public  
15        question.

16                (1) At least two members of the board of civil authority of each town  
17        within a union elementary or union high school district, or two election  
18        officials appointed by the board of civil authority of that town, shall transport  
19        ballots cast in the member district in a sealed container to a central location  
20        designated by the clerk of the union elementary or union high school district.

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 115 of 119

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.

8           (4) The ballots shall be counted as soon as possible, but not later than  
9           24 hours after the time at which the polls closed.

10           (5) If ballots are to be counted on the day following the election, then  
11           the clerk of each member district shall store the ballots in a secure location  
12           until they are transported on the following day to the central location  
13           designated by the union district clerk for counting.

14           (6) Ballots from all member districts shall be combined into a single  
15           group before counting and shall not be counted according to the member  
16           district or town in which a voter resides.

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

## DRAFT

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 116 of 119

1           (8) The union district clerk shall report the commingled results of votes  
2           cast within the union elementary or union high school district to the public.

3           (b) Process if not commingled. If the voters have not approved the  
4           commingling of votes cast by Australian ballot for budgets, elections, or any  
5           other category of public question, and if Vermont law does not require  
6           commingling, then the following process applies to those votes except to the  
7           extent that Vermont law explicitly requires a different process for a specific  
8           type of public question.

9           (1) The board of civil authority of each town within the union  
10           elementary or union high school district shall count Australian ballots cast in  
11           the member district and report the results to the clerk of the union district.

12           (2) The clerk of the union district shall calculate total votes cast within  
13           the union district for any vote that requires approval by the electorate of the  
14           entire union elementary or union high school district, rather than approval by  
15           the voters in one member district or by the voters in each member district  
16           separately.

17           (3) The union district shall report to the public the results of total votes  
18           cast; provided, however, that both the union district clerk and the clerk of each  
19           member school district shall report the results of ballots cast to elect a union

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 117 of 119

1 school district board member where membership on the board is apportioned  
2 based on town population pursuant to subdivision 748(a)(1) of this chapter.

3 § 760. BOND ISSUES; DEBT LIMIT

4 (a) A union elementary or union high school district may make  
5 improvements, as defined by 24 V.S.A. § 1751, and may incur indebtedness  
6 for the improvements as provided in 24 V.S.A. chapter 53, subchapter 1.

7 (b) The debt limit of the union elementary or union high school district  
8 shall be 10 times the total of the education grand lists of the member districts  
9 of the union school district. The existing indebtedness of a union elementary  
10 or union high school district incurred to finance any project approved under  
11 sections 3447 to 3456 of this title shall not be considered a part of the  
12 indebtedness of the union elementary or union high school district for purposes  
13 of determining its debt limit for a new proposed bond issue. An obligation  
14 incurred by a union elementary or union high school district pursuant to this  
15 chapter shall be the joint and several obligation of the union school district and  
16 each of its member districts. Any joint or several obligation incurred by a  
17 member district pursuant to this subsections hall not be considered in  
18 determining the debt limit for the separate purposes of the member district.

19 (c) Bond issues under this section shall be determined by Australian ballot  
20 and shall proceed pursuant to sections 755 (warnings of union elementary

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 118 of 119

1 school district and union high school district meetings) and 757-759 (vote by  
2 Australian ballot) of this subchapter. Ballots shall be commingled before  
3 counting.

4 [Secs. 761–762 reserved]

5 Subchapter 5. Districts Formed Pursuant to Prior Laws

6 § 763. RATIFICATION; ARTICLES OF AGREEMENT; APPLICATION  
7 OF CHAPTER

8 (a) Each union school district in existence on July 1, 2022, is ratified and  
9 subject to the provisions of this chapter 11, regardless of whether the district  
10 was formed by an affirmative vote of the electorate or by the State Board as  
11 part of its “Final Report of Decisions and Order on Statewide School District  
12 Merger Decisions Pursuant to [2015 Acts and Resolves No.] 46, Sections 8(b)  
13 and 10” dated November 28, 2018 (the Order).

14 (b) References in this chapter 11 to articles of agreement initially adopted  
15 by the voters shall also mean articles of agreement as issued by the State Board  
16 as part of the Order.

17 (c) Articles of agreement in effect on June 30, 202[2], as initially adopted  
18 by the voters or subsequently amended, shall govern the district unless and  
19 until amended; provided, however, and notwithstanding the provisions of 1  
20 V.S.A. § 214 or other laws to the contrary, the provisions of this chapter 11

**DRAFT**

(dr req 22-0275 – draft 1.3)  
1/18/2022 - BSJ - 8:55 PM

Page 119 of 119

1 shall govern in all matters not addressed in the articles of agreement and shall  
2 take precedence in the event of conflict with any article.

3 § 764. SECRETARY OF STATE; RECORDING CERTIFICATES

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

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

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

16 Sec. 4. EFFECTIVE DATE

17 This act shall take effect on July 1, 202[2].