

**Side-by-Side of H.727
House CC PROPOSAL v. Senate Proposal of Amendment
Beth St. James
5.10.22 (draft 2.1)**

**Differences highlighted in yellow
Senate language adopted in House CC proposal highlighted in blue
Language with no highlighting is the same in both versions**

5.10.22 House Proposal	Senate Proposal of Amendment	Notes
<p><u>Sec. 3. § 724. WITHDRAWAL FROM OR DISSOLUTION OF A UNIFIED UNION SCHOOL DISTRICT</u></p> <p>(a) <u>Definition.</u> <i>SAME</i></p> <p>(b) <u>Withdrawal study committee.</u> <i>SAME</i></p> <p>(c) <u>Analysis.</u> <i>SAME</i></p> <p>(d) <u>Report, including a plan for withdrawal; decision not to prepare report.</u></p> <p style="padding-left: 20px;">(1) <u>Report supporting withdrawal.</u></p> <p style="padding-left: 40px;">(A) <u>If, after conducting the analysis required by subsection (c) of this section, the withdrawal study committee votes to advance the withdrawal process as further outlined in this section, then the committee shall prepare a report, which it shall deliver electronically to the union district board and which the superintendent shall publish on the district’s website.</u></p> <p style="padding-left: 40px;">(B) <u>At a minimum, the report shall include:</u></p>	<p><u>Sec. 3. § 724. WITHDRAWAL FROM OR DISSOLUTION OF A UNIFIED UNION SCHOOL DISTRICT</u></p> <p>(a) <u>Definition.</u> <i>SAME</i></p> <p>(b) <u>Withdrawal study committee.</u> <i>SAME</i></p> <p>(c) <u>Analysis.</u> <i>SAME</i></p> <p>(d) <u>Report, including a plan for withdrawal; decision not to prepare report.</u></p> <p style="padding-left: 20px;">(1) <u>Report supporting withdrawal.</u></p> <p style="padding-left: 40px;">(A) <u>If, after conducting the analysis required by subsection (c) of this section, the withdrawal study committee votes to advance the withdrawal process as further outlined in this section, then the committee shall prepare a report, which it shall deliver electronically to the union district board and which the superintendent shall publish on the district’s website.</u></p> <p style="padding-left: 40px;">(B) <u>At a minimum, the report shall include:</u></p>	

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<p><u>(i) the analysis conducted pursuant to subsection (c) of this section, describing the ways in which the data and analysis:</u></p> <p><u>(I) support withdrawal; and</u> <u>(II) do not support the continuation of the union district in its current configuration;</u></p> <p><u>(ii) the proposed financial terms of withdrawal, including the proposed ownership of buildings and other assets and the proposed responsibility for financial and other contractual obligations, including debts;</u></p> <p><u>(iii) a plan, including a detailed timeline, for the actions the proposed new school district would take to ensure that, on a proposed operational date, it could provide for the education of its students in prekindergarten through grade 12 by operating all grades, tuitioning all grades, or operating some grades and tuitioning the remainder, in a manner that will meet educational quality standards as required by section 165 of this title, and including, if applicable, the process by which the proposed new school district would explore formation of a new union school district with one or more other school districts in the region and would integrate or condition any votes to withdraw with votes on formation of a new union district; and</u></p> <p><u>(iv) a proposal, including analysis, for the potential source of supervisory union services for the proposed new school district, including, if applicable to the proposal:</u></p>	<p><u>(i) the analysis conducted pursuant to subsection (c) of this section, describing the ways in which the data and analysis:</u></p> <p><u>(I) support withdrawal; and</u> <u>(II) do not support the continuation of the union district in its current configuration;</u></p> <p><u>(ii) the proposed financial terms of withdrawal, including the proposed ownership of buildings and other assets and the proposed responsibility for financial and other contractual obligations, including debts;</u></p> <p><u>(iii) a plan, including a detailed timeline, for the actions the proposed new school district would take to ensure that, on a proposed operational date, it could provide for the education of its students in prekindergarten through grade 12 by operating all grades, tuitioning all grades, or operating some grades and tuitioning the remainder, in a manner that will meet educational quality standards as required by section 165 of this title, and including, if applicable, the process by which the proposed new school district would explore formation of a new union school district with one or more other school districts in the region and would integrate or condition any votes to withdraw with votes on formation of a new union district; and</u></p> <p><u>(iv) a proposal, including analysis, for the potential source of supervisory union services for the proposed new school district, including, if applicable to the proposal:</u></p>	

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<p><u>(I) a recommendation of one or more potential supervisory unions to which the State Board could assign the proposed new school district; and</u></p> <p><u>(II) a statement from the board of the potential supervisory union or unions regarding the ability and willingness to accept the proposed new school district as a member district.</u></p> <p><u>(C) Within 45 days following receipt of the withdrawal study committee report, the union district board shall invite the members of the withdrawal study committee to attend a regularly scheduled meeting of the board to present the contents of its report and to answer any questions posed by the board. The board shall also invite the members of the liaison subcommittee to share any analysis and conclusions at the meeting. The withdrawal study committee has sole authority to determine the contents of its report.</u></p> <p><u>(2) Decision not to propose withdrawal. If, after conducting the analysis required by subsection (c) of this section, the withdrawal study committee votes not to approve advancement of the withdrawal process, then:</u></p> <p><u>(A) the withdrawal study committee shall prepare a brief written statement explaining the reasons underlying the votes supporting and not supporting advancement, which it shall deliver electronically to the union district board and which the superintendent shall publish on the district’s website;</u></p>	<p><u>(I) a recommendation of one or more potential supervisory unions to which the State Board could assign the proposed new school district; and</u></p> <p><u>(II) a statement from the board of the potential supervisory union or unions regarding the ability and willingness to accept the proposed new school district as a member district.</u></p> <p><u>(C) Within 45 days following receipt of the withdrawal study committee report, the union district board shall invite the members of the withdrawal study committee to attend a regularly scheduled meeting of the board to present the contents of its report and to answer any questions posed by the board. The board shall also invite the members of the liaison subcommittee to share any analysis and conclusions at the meeting. The withdrawal study committee has sole authority to determine the contents of its report.</u></p> <p><u>(2) Decision not to propose withdrawal. If, after conducting the analysis required by subsection (c) of this section, the withdrawal study committee votes not to approve advancement of the withdrawal process, then:</u></p> <p><u>(A) the withdrawal study committee shall prepare a brief written statement explaining the reasons underlying the votes supporting and not supporting advancement, which it shall deliver electronically to the union district board and which the superintendent shall publish on the district’s website;</u></p>	

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<p>(B) within 45 days following receipt of the withdrawal study committee report, the union district board shall invite the members of the withdrawal study committee to attend a regularly scheduled meeting of the board to present the contents of the written statement and to answer any questions posed by the board; and</p> <p>(C) the withdrawal study committee shall cease to exist upon adjournment of the union district board's meeting.</p> <p>(e) Secretary and State Board.</p> <p>(1) Secretary. If the study committee voted to proceed pursuant to subdivision (d)(1) of this section, then within 30 days after attending the union district board meeting pursuant to subdivision (d)(1)(C) of this section, it shall deliver its report electronically to the Secretary for review. The liaison subcommittee may also submit a report outlining its analysis and conclusions. The Secretary shall submit the report or reports, with recommendations, to the State Board.</p>	<p>(B) within 45 days following receipt of the withdrawal study committee report, the union district board shall invite the members of the withdrawal study committee to attend a regularly scheduled meeting of the board to present the contents of the written statement and to answer any questions posed by the board; and</p> <p>(C) the withdrawal study committee shall cease to exist upon adjournment of the union district board's meeting.</p> <p>(e) Secretary of Education review and opinion.</p> <p>(1) Review by the Secretary. Within 30 days after attending the union district board meeting pursuant to subdivision (d)(1)(C) of this section, the withdrawal study committee shall deliver the report or reports electronically to the Secretary for review. The Secretary:</p> <p>(A) shall consider the report or reports;</p> <p>(B) shall provide representatives of the withdrawal study committee, the liaison subcommittee, and any supervisory union that has been identified as a potential source of supervisory union services for the proposed new school district an opportunity to be heard at a meeting held at a location within the petitioning town;</p> <p>(C) may, in the Secretary's discretion, take testimony from other individuals and entities;</p> <p>(D) may ask the withdrawal study committee, or the liaison subcommittee, to make further investigation and may consider any other information the Secretary deems to be pertinent; and</p>	<p>In the House proposal, AOE provides a cursory review and submits recommendations to the SBE.</p> <p>In the Senate version, AOE provides an initial opinion on preparedness. If AOE's initial opinion is positive, the withdrawal proposal can proceed right to a vote of the electorate with no SBE review.</p>

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

(2) Advisory opinion of the Secretary with positive recommendation.

(A) If the Secretary finds that the withdrawal proposal contained in the report, including the most feasible options for the provision of supervisory union services to the proposed new school district, is in the best interests of the State, the region, the students, and the school districts, and aligns with the policy set forth in section 701 of this title, then, within 90 days following receipt of the report or reports, unless the study committee agrees to an extension of the deadline, the Secretary shall:

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

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

(iii) make any other finding related and necessary to the withdrawal proposal.

(B) After the Secretary issues an opinion recommending approval of the withdrawal proposal, the proposal shall proceed to a vote of the electorate under subsection (g) of this section.

(3) Advisory opinion of the Secretary with negative recommendation. If the Secretary finds that the withdrawal proposal contained in the report, including the most feasible options for the provision of supervisory union services to the

proposed new school district, is not in the best interests of the State, the region, the students, and the school districts or does not align with the policy set forth in section 701 of this title, or both, then, within 90 days following receipt of the report or reports, unless the study committee agrees to an extension of the deadline, the Secretary shall:

(A) issue a written opinion recommending disapproval of the withdrawal proposal, including a written statement detailing the reasons supporting this conclusion;

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

(C) make any other finding related and necessary to the withdrawal proposal; and

(D) post the written opinion on the Agency of Education's website and transmit it electronically to the clerk of the union district.

After receiving the Secretary's opinion, the study committee shall vote pursuant to subsection (f).

(f) State Board of Education final review.

(1) Study committee vote. Within 30 days following receipt of a negative advisory opinion from the Secretary, the clerk of the union school district shall post the document on its website and schedule the contents as a topic for public discussion at a special or regular board meeting. Within 30 days following the public meeting, the study committee shall convene a meeting and vote whether to cease efforts to withdraw from the

<p>(2) State Board review. The State Board:</p> <p>(A) shall consider the report or reports and the Secretary's recommendations;</p> <p>(B) shall provide representatives of the withdrawal study committee and the liaison subcommittee an opportunity to be heard;</p> <p>(C) may, in its discretion, take testimony from other individuals and entities;</p> <p>(D) may ask the Secretary, the withdrawal study committee, or the liaison subcommittee to make further investigation and may consider any other information the State Board deems to be pertinent; and</p>	<p>union district or whether to request review of the Secretary's advisory opinion by the State Board of Education for the withdrawal proposal to proceed to a vote of the electorate.</p> <p>(2) Cease efforts to withdraw. If the study committee votes to cease efforts to withdraw from the union district, then the petitioning town shall remain a town within the union district, the withdrawal action initiated pursuant to this section is concluded, and the withdrawal study committee shall cease to exist upon adjournment of the meeting.</p> <p>(3) Proceed with withdrawal; State Board of Education final review and vote. If the study committee votes to proceed with withdrawal, it shall petition the State Board of Education for final review of the Secretary's advisory opinion. The State Board shall review the report and plan of the study committee required under subsection (d) of this section, review the Secretary's written negative advisory opinion, and provide the study committee, the Secretary, and any supervisory union that has been identified as a potential source of supervisory union services for the proposed new school district an opportunity to be heard at a meeting held at a location within the petitioning town. The State Board may, in its discretion, take testimony from other individuals and entities, including the union school district. Within 90 days after receiving the petition of the study committee, the State Board shall issue a final written decision and transmit the decision to the superintendent.</p>	<p>In the House proposal, the SBE review is the only review by a State entity.</p> <p>In the Senate version, the SBE review happens only if the study committee received a negative opinion from AOE and if the study committee still wants to proceed with withdrawal.</p>
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<p><u>(E) may request the members of the withdrawal study committee to amend the report.</u> <u>(3) State Board action.</u></p> <p><u>(A) Advisory opinion with positive recommendation. If the State Board finds that the withdrawal proposal contained in the report, including the most feasible options for the provision of supervisory union services to the proposed new school district, is in the best interests of the State, the region, the students, and the school districts, and aligns with the policy set forth in section 701 of this title, then, within 90 days after receiving the report of the study committee the State Board shall:</u></p> <p><u>(i) issue an opinion recommending approval of the withdrawal proposal;</u></p> <p><u>(ii) provide a preliminary assessment of most feasible options for the provision of supervisory union services to the proposed new school district if withdrawal is approved by the voters; and</u></p> <p><u>(iii) make any other finding or declaration, and approve any other motion, related and necessary to the withdrawal proposal.</u></p>	<p><u>(A) Vote to approve.</u> <u>If the State Board finds that the withdrawal proposal contained in the report, including the most feasible options for the provision of supervisory union services to the proposed new school district, is in the best interests of the State, the region, the students, and the school districts or aligns with the policy set forth in section 701 of this title, or both, then the State Board shall:</u></p> <p><u>(i) approve the study committee report supporting withdrawal, together with any amendments, as the final report and proposal of withdrawal;</u></p> <p><u>(ii) provide a preliminary assessment of the most feasible options for the provision of supervisory union services to the proposed new school district;</u></p> <p><u>(iii) declare that the withdrawal process will proceed to a vote of the union district voters pursuant to subsection (g) of this section; and</u></p> <p><u>(iv) make any other finding or declaration, and approve any other motion, related and necessary to the withdrawal proposal.</u></p>	

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<p>(B) Advisory opinion with negative recommendation. If the State Board finds that the withdrawal proposal contained in the report, including the most feasible options for the provision of supervisory union services to the proposed new school district, is not in the best interests of the State, the region, the students, and the school districts, or does not align with the policy set forth in section 701 of this title, or both, then, within 90 days after receiving the report of the study committee, the State Board shall:</p> <p>(i) issue an opinion recommending disapproval of the withdrawal proposal, including a written statement detailing the reasons supporting this conclusion;</p> <p>(ii) provide a preliminary assessment of most feasible options for the provision of supervisory union services to the proposed new school district if withdrawal is approved by the voters; and</p> <p>(iii) make any other finding or declaration, and approve any other motion, related and necessary to the withdrawal proposal.</p> <p>(f) Vote of the electorate.</p> <p>(1) Vote following positive recommendation of the State Board.</p> <p>(A) Within 30 days after receipt of the State Board’s written recommendation, the superintendent shall file the withdrawal study committee’s report, the State Board’s written recommendation, and any report of the liaison</p>	<p>(B) Vote not to approve. If the State Board finds that the plan for withdrawal, including the most feasible options for the provision of supervisory union services to the proposed new school district, is not in the best interests of the State, the region, the students, and the school districts or does not align with the policy set forth in section 701 of this title, or both, then:</p> <p>(i) the State Board shall not approve the report supporting withdrawal;</p> <p>(ii) the process will not proceed to a vote of the electorate;</p> <p>(iii) the petitioning town shall remain a town within the union district; and</p> <p>(iv) the State Board’s determination and the resulting consequences imposed by such a determination shall be final and shall conclude the withdrawal action.</p> <p>(v) The withdrawal study committee shall cease to exist after the vote of the State Board.</p> <p>(g) Vote of the electorate.</p> <p>(1) Within 30 days following receipt of the Secretary’s positive advisory opinion pursuant to subdivision (e)(2) of this section or within 30 days following the State Board’s vote to approve the withdrawal proposal pursuant to subdivision</p>	<p>In the House proposal, a negative recommendation from the SBE is just an opinion. The withdrawal proposal still goes to the voters, who have the ultimate say.</p> <p>In the Senate version, a negative opinion from SBE stops the withdrawal process. It does not proceed to the voters.</p>

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<p><u>subcommittee with the clerk of the union district and the town clerk of each town within the union district.</u></p> <p><u>(B) Within 90 days after the clerk of the union district receiving the reports and recommendations described in subdivision (A) of this subsection, the voters of the union district, including those residing in the petitioning town, shall vote whether to approve withdrawal as set forth in the report. The question shall be determined by Australian ballot and shall proceed pursuant to sections 737 (warnings of unified union school district meetings) and 739–741 (vote by Australian ballot) of this chapter. The ballots shall not be commingled.</u></p> <p><u>(C) Withdrawal from the union district shall occur if the question is approved by a majority vote of the union district voters living in each town within the district, including the petitioning town. If a majority of the voters in one or more towns within the union district do not vote in favor of withdrawal, then the proposed withdrawal shall not occur.</u></p> <p><u>(D) Within 45 days after the vote or 15 days after a vote to reconsider the original vote under 17 V.S.A. § 2661, whichever is later, the clerk of each town within the union district shall certify the results of the vote to the Secretary of</u></p>	<p><u>(f)(3)(A) of this section, the superintendent shall file the withdrawal study committee’s report, the Secretary’s written advisory opinion, the State Board’s written recommendation, and any report of the liaison subcommittee with the clerk of the union district and the town clerk of each town within the union district.</u></p> <p><u>(2) Within 90 days after the clerk of the union district receives the reports and recommendations described in subdivision (2) of this subsection, the voters of the union district, including those residing in the petitioning town, shall vote whether to approve withdrawal as set forth in the report. The question shall be determined by Australian ballot and shall proceed pursuant to sections 737 (warnings of unified union school district meetings) and 739–741 (vote by Australian ballot) of this chapter. The ballots shall not be commingled.</u></p> <p><u>(3) Withdrawal from the union district shall occur if the question is approved by a majority vote of the union district voters living in each town within the district, including the petitioning town. If a majority of the voters in one or more towns within the union district do not vote in favor of withdrawal, then the proposed withdrawal shall not occur.</u></p> <p><u>(4) Within 45 days after the vote or 15 days after a vote to reconsider the original vote under 17 V.S.A. § 2661, whichever is later, the clerk of each town within the union district shall certify the results of the vote to the Secretary of Education,</u></p>	<p>In the House proposal, the vote proceeds differently depending on whether there was a positive or negative opinion from SBE.</p> <p>In the Senate version, the vote only proceeds to the electorate after a positive opinion from AOE or SBE. The vote happens for all towns within the district at the same time. All towns within the district must approve the withdrawal proposal for withdrawal to occur.</p>

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<p><u>Education, and the Secretary shall advise the State Board of the certified results. Each clerk shall submit the certification regardless of whether the voters in that town approved withdrawal. The withdrawal study committee shall cease to exist when each clerk has submitted a certification to the Secretary.</u></p> <p><u>(2) Vote following negative recommendation of the State Board.</u></p> <p><u>(A) The superintendent shall file the withdrawal study committee’s report, the State Board’s written recommendation, and any report of the liaison subcommittee with the clerk of the union district and with the town clerk of each town within the union district.</u></p> <p><u>(B) The union district voters residing in the petitioning town shall vote whether to withdraw from the union district pursuant to the terms set forth in the report.</u></p> <p><u>(i) The question shall be determined by Australian ballot and shall proceed pursuant to sections 737 (warnings of unified union school district meetings) and 739–741 (vote by Australian ballot) of this chapter.</u></p> <p><u>(ii) The withdrawal proposal shall proceed to a vote in each of the other towns within the union district if approved by at least 60 percent of the union district voters residing in the petitioning town present and voting yes or no on the warned question. If this percentage is not met, then the proposed withdrawal shall not occur.</u></p>	<p><u>and the Secretary shall advise the State Board of the certified results. Each clerk shall submit the certification regardless of whether the voters in that town approved withdrawal. The withdrawal study committee shall cease to exist when each clerk has submitted a certification to the Secretary.</u></p>	<p>In the House proposal, if there was a negative recommendation from SBE, the withdrawal proposal still proceeds to a vote of the electorate but withdrawal proposal must be approved by 60% of the voters in the petitioning town present and voting yes or no before the vote can proceed to a vote of the other towns within the USD.</p>

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<p>(C) Within 45 days after the vote in subdivision (B) of this subdivision (f)(2) or 15 days after a vote to reconsider the original vote under 17 V.S.A. § 2661, whichever is later, the clerk of the petitioning town shall certify the results of the vote to the Secretary of State who shall record the certificate and give notice of the vote to the clerk of the union district, the clerks of each of the other towns within the union district, and the Secretary of Education. The clerk of the petitioning town shall submit the certification regardless of whether the voters in the petitioning town approved withdrawal. The withdrawal study committee shall cease to exist upon submission of the certification.</p> <p>(D) If the union district voters residing in the petitioning town approve the withdrawal proposal pursuant to subdivision (B) of this subdivision (f)(2), then, within 90 days after receiving notice of the certification as required in subdivision (C), the voters of the union district residing in each of the other towns shall vote on the same day whether to approve withdrawal of the petitioning town as set forth in the final report.</p> <p>(i) The question shall be determined by Australian ballot and shall proceed pursuant to sections 737 (warnings of unified union school district meetings) and 739–741 (vote by Australian ballot) of this chapter. The ballots shall not be commingled.</p> <p>(ii) Withdrawal from the union district shall occur if the question is approved by a</p>		<p>There is no corresponding 60% threshold in the Senate version because the withdrawal proposal only proceeds to the voters if AOE or SBE gives a positive opinion.</p>

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<p>majority vote of the union district voters living in each of the other towns within the union district. If a majority of the voters in one or more towns within the union district do not vote in favor of withdrawal, then the proposed withdrawal shall not occur.</p> <p>(E) Within 45 days after the vote in subdivision (D) of this subdivision (f)(2) or 15 days after a vote to reconsider the original vote under 17 V.S.A. § 2661, whichever is later, the clerk of each of the other towns within the union district shall certify the results of the vote to the Secretary of Education, and the Secretary shall advise the State Board of the certified results. Each clerk shall submit the certification regardless of whether the voters in that town approved withdrawal. The withdrawal study committee shall cease to exist when each clerk has submitted a certification to the Secretary.</p> <p>(g) Election of potential board members. <i>SAME</i>*</p> <p>(h) State Board’s duties if withdrawal is approved. <i>SAME</i>*</p> <p>(i) Certification; Secretary of State. If the State Board declares the creation and existence of a new school district pursuant to subdivision (h)(2) of this section, within 30 days following such action then the Secretary of Education shall certify the adjustment of the towns within the union district to the Secretary of State. When the Secretary of State records the certification of the Secretary of Education, the towns within the union district shall</p>	<p>(h) Election of potential board members. <i>SAME</i>*</p> <p>(i) State Board’s duties if withdrawal is approved. <i>SAME</i>*</p> <p>(j) Certification; Secretary of State. If the State Board declares the creation and existence of a new school district pursuant to subdivision (i)(2) of this section, then within 30 days following such action the Secretary of Education shall certify the adjustment of the towns within the union district to the Secretary of State. When the Secretary of State records the certification of the Secretary of Education, the towns within the union district shall</p>	<p>*Substantively identical except for internal references</p>

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<p><u>be adjusted accordingly; provided, however, that the voter-approved proposal of withdrawal shall establish the date on which withdrawal shall be final, the new school district shall assume full and sole responsibility for the education of its resident students, and the union school district shall no longer have responsibility for the education of those students. Not more than 14 days after the date the Secretary of Education certifies the adjustment, the Secretary of State shall file a certified copy of the recorded certification with the clerk of the union district and the clerk for the town in which the new school district is located. Filing a certified copy with the clerks shall be prima facie evidence of full compliance with the requirements for adjusting the union school district by withdrawal as set forth in this section.</u></p> <p><u>(j) Timing of action. SAME*</u></p>	<p><u>be adjusted accordingly; provided, however, that the voter-approved proposal of withdrawal shall establish the date on which withdrawal shall be final, the new school district shall assume full and sole responsibility for the education of its resident students, and the union school district shall no longer have responsibility for the education of those students. Not more than 14 days after the date the Secretary of Education certifies the adjustment, the Secretary of State shall file a certified copy of the recorded certification with the clerk of the union district and the clerk for the town in which the new school district is located. Filing a certified copy with the clerks shall be prima facie evidence of full compliance with the requirements for adjusting the union school district by withdrawal as set forth in this section.</u></p> <p><u>(k) Timing of action. SAME*</u></p>	<p>*Substantively identical except for internal references</p>
<p><u>Sec. 3. § 725. WITHDRAWAL FROM OR DISSOLUTION OF A UNION ELEMENTARY OR UNION HIGH SCHOOL DISTRICT</u></p> <p><u>(a) Definition. As used in this section: SAME</u></p> <p><u>(b) Withdrawal study committee. SAME</u></p> <p><u>(c) Analysis. SAME</u></p> <p><u>(d) Report, including a plan for withdrawal; decision not to prepare report.</u></p> <p><u>(1) Report supporting withdrawal.</u></p> <p><u>(A) If, after conducting the analysis required by subsection (c) of this section, the</u></p>	<p><u>Sec. 3. § 725. WITHDRAWAL FROM OR DISSOLUTION OF A UNION ELEMENTARY OR UNION HIGH SCHOOL DISTRICT</u></p> <p><u>(a) Definition. As used in this section: SAME</u></p> <p><u>(b) Withdrawal study committee. SAME</u></p> <p><u>(c) Analysis. SAME</u></p> <p><u>(d) Report, including a plan for withdrawal; decision not to prepare report.</u></p> <p><u>(1) Report supporting withdrawal.</u></p> <p><u>(A) If, after conducting the analysis required by subsection (c) of this section, the</u></p>	

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<p><u>withdrawal study committee votes to advance the withdrawal process as further outlined in this section, then the committee shall prepare a report, which it shall deliver electronically to the union district board and which the superintendent shall publish on the district’s website.</u></p> <p><u>(B) At a minimum, the report shall include:</u></p> <p><u>(i) the analysis conducted pursuant to subsection (c) of this section, describing the ways in which the data and analysis:</u></p> <p><u>(I) support withdrawal; and</u></p> <p><u>(II) do not support the continuation of the union elementary or union high school district in its current configuration;</u></p> <p><u>(ii) the proposed financial terms of withdrawal, including the proposed ownership of buildings and other assets and the proposed responsibility for financial and other contractual obligations, including debts;</u></p> <p><u>(iii) a plan, including a detailed timeline, for the actions the proposed new school district would take to ensure that, on the proposed operational date, it could provide for the education of its students in the grades for which the union elementary or union high school district is organized, in a manner that will meet educational quality standards as required by section 165 of this title, and including, if applicable, the process by which the proposed new school district would explore formation of a new union district with one or more other school districts in the region and</u></p>	<p><u>withdrawal study committee votes to advance the withdrawal process as further outlined in this section, then the committee shall prepare a report, which it shall deliver electronically to the union district board and which the superintendent shall publish on the district’s website.</u></p> <p><u>(B) At a minimum, the report shall include:</u></p> <p><u>(i) the analysis conducted pursuant to subsection (c) of this section, describing the ways in which the data and analysis:</u></p> <p><u>(I) support withdrawal; and</u></p> <p><u>(II) do not support the continuation of the union elementary or union high school district in its current configuration;</u></p> <p><u>(ii) the proposed financial terms of withdrawal, including the proposed ownership of buildings and other assets and the proposed responsibility for financial and other contractual obligations, including debts;</u></p> <p><u>(iii) a plan, including a detailed timeline, for the actions the proposed new school district would take to ensure that, on the proposed operational date, it could provide for the education of its students in the grades for which the union elementary or union high school district is organized, in a manner that will meet educational quality standards as required by section 165 of this title, and including, if applicable, the process by which the proposed new school district would explore formation of a new union district with one or more other school districts in the region and</u></p>	

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<p>would integrate or condition any votes to withdraw with votes on formation of a new union district; <u>and</u></p> <p>(iv) a proposal, including analysis, for the source of supervisory union services for the proposed new school district.</p> <p>(C) <u>Within 45 days following receipt of the study committee report</u>, the union elementary or union high school district board shall invite the members of the withdrawal study committee to attend a regularly scheduled meeting of the board to present the contents of its report and to answer any questions posed by the board. The board shall also invite the members of the liaison subcommittee to share any analysis and conclusions at the meeting. The withdrawal study committee has sole authority to determine the contents of its report.</p> <p>(2) Decision not to propose withdrawal. If, after conducting the analysis required by subsection (c) of this section, the withdrawal study committee votes not to approve advancement of the withdrawal process, then:</p> <p>(A) the withdrawal study committee shall prepare a brief written statement explaining the reasons underlying the votes supporting and not supporting advancement, which it shall deliver electronically to the union district board and which the superintendent shall publish on the district’s website;</p> <p>(B) <u>within 45 days following receipt of the study committee report</u>, the union elementary</p>	<p>would integrate or condition any votes to withdraw with votes on formation of a new union district; <u>and</u></p> <p>(iv) a proposal, including analysis, for the source of supervisory union services for the proposed new school district.</p> <p>(C) Within 45 days following receipt of the study committee report, the union elementary or union high school district board shall invite the members of the withdrawal study committee to attend a regularly scheduled meeting of the board to present the contents of its report and to answer any questions posed by the board. The board shall also invite the members of the liaison subcommittee to share any analysis and conclusions at the meeting. The withdrawal study committee has sole authority to determine the contents of its report.</p> <p>(2) Decision not to propose withdrawal. If, after conducting the analysis required by subsection (c) of this section, the withdrawal study committee votes not to approve advancement of the withdrawal process, then:</p> <p>(A) the withdrawal study committee shall prepare a brief written statement explaining the reasons underlying the votes supporting and not supporting advancement, which it shall deliver electronically to the union district board and which the superintendent shall publish on the district’s website;</p> <p>(B) within 45 days following receipt of the study committee report, the union elementary</p>	

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<p><u>or union high school district board shall invite the members of the withdrawal study committee to attend a regularly scheduled meeting of the board to present the contents of the written statement and to answer any questions posed by the board; and</u></p> <p><u>(C) the withdrawal study committee shall cease to exist upon adjournment of the union elementary or union high school district board’s meeting.</u></p> <p><u>(e) Secretary and State Board.</u></p> <p><u>(1) Secretary. If the study committee voted to proceed pursuant to subdivision (d)(1) of this section, then within 30 days after attending the union district board meeting pursuant to subdivision (d)(1)(C) of this section, it shall deliver its report electronically to the Secretary for review. The liaison subcommittee may also submit a report outlining its analysis and conclusions. The Secretary shall submit the report or reports, with recommendations, to the State Board.</u></p>	<p><u>or union high school district board shall invite the members of the withdrawal study committee to attend a regularly scheduled meeting of the board to present the contents of the written statement and to answer any questions posed by the board; and</u></p> <p><u>(C) the withdrawal study committee shall cease to exist upon adjournment of the union elementary or union high school district board’s meeting.</u></p> <p><u>(e) Secretary of Education review and opinion.</u></p> <p><u>(1) Review by the Secretary. Within 30 days after attending the union district board meeting pursuant to subdivision (d)(1)(C) of this section, the withdrawal study committee shall deliver the report or reports electronically to the Secretary for review. The Secretary:</u></p> <p><u>(A) shall consider the report or reports;</u></p> <p><u>(B) shall provide representatives of the withdrawal study committee, the liaison subcommittee, and any supervisory union that has been identified as a potential source of supervisory union services for the proposed new school district an opportunity to be heard at a meeting held at a location within the petitioning district;</u></p> <p><u>(C) may, in the Secretary’s discretion, take testimony from other individuals and entities;</u></p> <p><u>(D) may ask the withdrawal study committee, or the liaison subcommittee, to make further investigation and may consider any other information the Secretary deems to be pertinent; and</u></p>	<p>In the House proposal, AOE provides a cursory review and submits recommendations to the SBE.</p> <p>In the Senate version, AOE provides an initial opinion on preparedness. If AOE’s initial opinion is positive, the withdrawal proposal can proceed right to a vote of the electorate with no SBE review</p>

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	<p>(E) may request that the members of the withdrawal study committee amend the report.</p> <p>(2) Advisory opinion of the Secretary with positive recommendation.</p> <p>(A) If the Secretary finds that the withdrawal proposal contained in the report, including the most feasible options for the provision of supervisory union services to the proposed new school district, is in the best interests of the State, the region, the students, and the school districts, and aligns with the policy set forth in section 701 of this title, then, within 90 days of receipt of the report or reports, unless the study committee agrees to an extension of the deadline, the Secretary shall:</p> <p>(i) issue an opinion recommending approval of the withdrawal proposal;</p> <p>(ii) provide a preliminary assessment of most feasible options for the provision of supervisory union services to the proposed new school district if withdrawal is approved by the voters; and</p> <p>(iii) make any other finding related and necessary to the withdrawal proposal.</p> <p>(B) After the Secretary issues an opinion recommending approval of the withdrawal proposal, the proposal shall proceed to a vote of the electorate under subsection (g) of this section.</p> <p>(3) Advisory opinion of the Secretary with negative recommendation. Advisory opinion. If the Secretary finds that the withdrawal proposal contained in the report, including the most feasible</p>	

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	<p>options for the provision of supervisory union services to the proposed new school district, is not in the best interests of the State, the region, the students, and the school districts or does not align with the policy set forth in section 701 of this title, or both, then, within 90 days of receipt of the report or reports, unless the study committee agrees to an extension of the deadline, the Secretary shall:</p> <p>(A) issue a written opinion recommending disapproval of the withdrawal proposal, including a written statement detailing the reasons supporting this conclusion;</p> <p>(B) provide a preliminary assessment of most feasible options for the provision of supervisory union services to the proposed new school district if withdrawal is approved by the voters;</p> <p>(C) make any other finding related and necessary to the withdrawal proposal; and</p> <p>(D) post the written opinion on the Agency of Education's website and transmit it electronically to the clerk of the union district.</p> <p>(f) State Board of Education final review.</p> <p>(1) Study committee vote. Within 30 days following receipt of a negative advisory opinion from the Secretary, the clerk of the union school district shall post the document on its website and schedule the contents as a topic for public discussion at a special or regular board meeting. Within 30 days following the public meeting, the</p>	

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<p>(2) State Board review. The State Board:</p> <p>(A) shall consider the report or reports and the Secretary’s recommendations;</p> <p>(B) shall provide representatives of the withdrawal study committee and the liaison subcommittee an opportunity to be heard;</p> <p>(C) may, in its discretion, take testimony from other individuals and entities;</p> <p>(D) may ask the Secretary, the withdrawal study committee, or the liaison</p>	<p>study committee shall convene a meeting and vote whether to cease efforts to withdraw from the union district or whether to request review of the Secretary’s advisory opinion by the State Board of Education for the withdrawal proposal to proceed to a vote of the electorate.</p> <p>(2) Cease efforts to withdraw. If the study committee votes to cease efforts to withdraw from the union district, then the petitioning town shall remain a town within the union district, the withdrawal action initiated pursuant to this section is concluded, and the withdrawal study committee shall cease to exist upon adjournment of the meeting.</p> <p>(3) Proceed with withdrawal; State Board of Education final review and vote. If the study committee votes to proceed with withdrawal, it shall petition the State Board of Education for final review of the Secretary’s advisory opinion. The State Board shall review the report and plan of the study committee required under subsection (d) of this section, review the Secretary’s written negative advisory opinion, and provide the study committee, the Secretary, and any supervisory union that has been identified as a potential source of supervisory union services for the proposed new school district an opportunity to be heard at a meeting held at a location within the petitioning town. The State Board may, in its discretion, take testimony from other individuals and entities, including the union school district. Within 90 days after receiving the petition of the study committee,</p>	

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<p><u>subcommittee to make further investigation and may consider any other information the State Board deems to be pertinent; and</u> <u>(E) may request the members of the withdrawal study committee to amend the report.</u> <u>(3) State Board action.</u></p> <p><u>(A) Advisory opinion with positive recommendation. If the State Board finds that the withdrawal proposal contained in the report is in the best interests of the State, the region, the students, and the school districts, and aligns with the policy set forth in section 701 of this title, then within 90 days after receiving the report of the study committee, the State Board shall:</u></p> <p><u>(i) issue an opinion recommending approval of the withdrawal proposal;</u></p> <p><u>(ii) provide a preliminary assessment of the source of supervisory union services to the proposed new school district if withdrawal is approved by the voters; and</u></p> <p><u>(iii) make any other finding or declaration, and approve any other motion, related and necessary to the withdrawal proposal.</u></p>	<p><u>the State Board shall issue a final written decision and transmit the decision to the superintendent.</u></p> <p><u>(A) Vote to approve.</u> <u>If the State Board finds that the withdrawal proposal contained in the report, including the most feasible options for the provision of supervisory union services to the proposed new school district, is in the best interests of the State, the region, the students, and the school districts or aligns with the policy set forth in section 701 of this title, or both, then the State Board shall:</u></p> <p><u>(i) approve the study committee report supporting withdrawal, together with any amendments, as the final report and proposal of withdrawal;</u></p> <p><u>(ii) provide a preliminary assessment of most feasible options for the provision of supervisory union services to the proposed new school district;</u></p> <p><u>(iii) declare that the withdrawal process will proceed to a vote of the union district voters pursuant to subsection (g) of this section; and</u></p> <p><u>(iv) make any other finding or declaration, and approve any other motion, related and necessary to the withdrawal proposal.</u></p>	<p>In the House proposal, the SBE review is the only review by a State entity.</p> <p>In the Senate version, the SBE review happens only if the study committee received a negative opinion from AOE and if the study committee still wants to proceed with withdrawal</p>

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<p>(B) Advisory opinion with negative recommendation. If the State Board finds that the withdrawal proposal contained in the report is not in the best interests of the State, the region, the students, and the school districts or does not align with the policy set forth in section 701 of this title, or both, then within 90 days after receiving the report of the study committee the State Board shall:</p> <p>(i) issue an opinion recommending disapproval of the withdrawal proposal, including a written statement detailing the reasons supporting this conclusion;</p> <p>(ii) provide a preliminary assessment of the source supervisory union services to the proposed new school district if withdrawal is approved by the voters; and</p> <p>(iii) make any other finding or declaration, and approve any other motion, related and necessary to the withdrawal proposal.</p> <p>(f) Vote of the electorate.</p> <p>(1) Vote following positive recommendation of the State Board.</p> <p>(A) Within 30 days after receipt of the State Board's written recommendation, the superintendent shall file the withdrawal study committee's report, the State Board's written recommendation, and any report of the liaison</p>	<p>(B) Vote not to approve. If the State Board finds that the plan for withdrawal, including the most feasible options for the provision of supervisory union services to the proposed new school district, is not in the best interests of the State, the region, the students, and the school districts or does not align with the policy set forth in section 701 of this title, or both, then:</p> <p>(i) the State Board shall not approve the report supporting withdrawal;</p> <p>(ii) the process will not proceed to a vote of the electorate;</p> <p>(iii) the petitioning district shall remain a member district within the union district; and</p> <p>(iv) the State Board's determination and the resulting consequences imposed by such a determination shall be final and shall conclude the withdrawal action.</p> <p>(C) The withdrawal study committee shall cease to exist after the vote of the State Board.</p> <p>(g) Vote of the electorate.</p> <p>(1) Within 30 days following receipt of the Secretary's positive advisory opinion pursuant to subdivision (e)(2)(A) of this section or within 30 days following the State Board's vote to approve the withdrawal proposal pursuant to subdivision (f)(3)(A) of this section, the superintendent shall file the withdrawal study committee's report, the</p>	<p>In the House proposal, a negative recommendation from the SBE is just an opinion. The withdrawal proposal still goes to the voters, who have the ultimate say.</p> <p>In the Senate version, a negative opinion from SBE stops the withdrawal process. It does not proceed to the voters.</p>

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<p><u>subcommittee with the clerk of the union elementary or union high school district and the district clerk of each of the member districts within the union elementary or union high school district.</u></p> <p><u>(B) Within 90 days after the clerk of the union district receiving the reports and recommendations described in subdivision (A) of this subsection, the voters of the union elementary or union high school district, including those residing in the petitioning district, shall vote whether to approve withdrawal as set forth in the report. The question shall be determined by Australian ballot and shall proceed pursuant to sections 755 (warnings of union elementary and union high school district meetings) and 757–759 (vote by Australian ballot) of this chapter.</u></p> <p><u>(C) Withdrawal from the union elementary or union high school district shall occur if the question is approved by a majority vote of the union district voters living in each of the member districts within the union elementary or union high school district, including in the petitioning district. If a majority of the voters in one or more member districts within the union elementary or union high school district do not vote in favor of withdrawal, then the proposed withdrawal shall not occur.</u></p> <p><u>(D) Within 45 days after the vote or 15 days after a vote to reconsider the original vote under 17 V.S.A. § 2661, whichever is later, the</u></p>	<p><u>State Board’s written recommendation, and any report of the liaison subcommittee with the clerk of the union elementary or union high school district and the district clerk of each of the member districts within the union elementary or union high school district.</u></p> <p><u>(2) Within 90 days after the clerk of the union district receiving the reports and recommendations described in subdivision (1) of this subsection, the voters of the union elementary or union high school district, including those residing in the petitioning district, shall vote whether to approve withdrawal as set forth in the report. The question shall be determined by Australian ballot and shall proceed pursuant to sections 755 (warnings of union elementary and union high school district meetings) and 757–759 (vote by Australian ballot) of this chapter.</u></p> <p><u>(3) Withdrawal from the union elementary or union high school district shall occur if the question is approved by a majority vote of the union district voters living in each of the member districts within the union elementary or union high school district, including in the petitioning district. If a majority of the voters in one or more member districts within the union elementary or union high school district do not vote in favor of withdrawal, then the proposed withdrawal shall not occur.</u></p> <p><u>(4) Within 45 days after the vote or 15 days after a vote to reconsider the original vote under 17 V.S.A. § 2661, whichever is later, the clerk of each</u></p>	<p>In the House proposal, the vote proceeds differently depending on whether there was a positive or negative opinion from SBE.</p> <p>In the Senate version, the vote only proceeds to the electorate after a positive opinion from AOE or SBE. The vote happens for all towns within the district at the same time. All towns within the district must approve the withdrawal proposal for withdrawal to occur.</p>

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<p><u>clerk of each member district within the union elementary or union high school district shall certify the results of the vote to the Secretary of Education, and the Secretary shall advise the State Board of the certified results. Each clerk shall submit the certification regardless of whether the voters in that district approved withdrawal. The withdrawal study committee shall cease to exist when each clerk has submitted a certification to the Secretary.</u></p> <p><u>(E) If the petitioning district or one of the other member districts does not have a town school district board, the legislative body or appropriate officer of the town shall perform electoral functions, including warning meetings and conducting the voting process, ordinarily performed by and in member districts on behalf of a union school district.</u></p> <p><u>(2) Vote following negative recommendation of the State Board.</u></p> <p><u>(A) The superintendent shall file the withdrawal study committee’s report, the State Board’s written recommendation, and any report of the liaison subcommittee with the clerk of the union elementary or union high school district and the district clerk of each of the member districts within the union elementary or union high school district.</u></p> <p><u>(B) The union district voters residing in the petitioning district shall vote whether to</u></p>	<p><u>member district within the union elementary or union high school district shall certify the results of the vote to the Secretary of Education, and the Secretary shall advise the State Board of the certified results. Each clerk shall submit the certification regardless of whether the voters in that district approved withdrawal. The withdrawal study committee shall cease to exist when each clerk has submitted a certification to the Secretary.</u></p> <p><u>(5) If the petitioning district or one of the other member districts does not have a town school district board, the legislative body or appropriate officer of the town shall perform electoral functions, including warning meetings and conducting the voting process, ordinarily performed by and in member districts on behalf of a union school district.</u></p>	

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<p>withdraw from the union elementary or union high school district pursuant to the terms set forth in the report.</p> <p>(i) The question shall be determined by Australian ballot and shall proceed pursuant to sections 755 (warnings of union elementary and union high school district meetings) and 757–759 (vote by Australian ballot) of this chapter.</p> <p>(ii) The withdrawal proposal shall proceed to a vote in each of the other member districts within the union elementary or union high school district if approved by at least 60 percent of the union district voters residing in the petitioning district present and voting yes or no on the warned question. If this percentage is not met, then the proposed withdrawal shall not occur.</p> <p>(C) Within 45 days after the vote in subdivision (B) of this subdivision (f)(2) or 15 days after a vote to reconsider the original vote under 17 V.S.A. § 2661, whichever is later, the clerk of the petitioning district shall certify the results of the vote to the Secretary of State who shall record the certificate and give notice of the vote to the clerk of the union elementary or union high district, the clerks of each of the other member districts within the union district, and the Secretary of Education. The clerk of the petitioning district shall submit the certification regardless of whether the voters in the petitioning district approved withdrawal. The withdrawal study committee shall cease to exist upon submission of the certification.</p>		<p>In the House proposal, if there was a negative recommendation from SBE, the withdrawal proposal still proceeds to a vote of the electorate but withdrawal proposal must be approved by 60% of the voters in the petitioning town present and voting yes or no before the vote can proceed to a vote of the other towns within the USD.</p>

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<p>(D) If the union elementary or union high school district voters residing in the petitioning district approve the withdrawal proposal pursuant to subdivision (B) of this subdivision (f)(2), then, within 90 days after receiving notice of the certification as required in subdivision (C) of this subdivision (f)(2), the voters of the union elementary or union high school district residing in each of the other member districts shall vote on the same day whether to approve withdrawal of the petitioning district as set forth in the final report.</p> <p>(i) The question shall be determined by Australian ballot and shall proceed pursuant to sections 755 (warnings of union elementary and union high school district meetings) and 757–759 (vote by Australian ballot) of this chapter.</p> <p>(ii) Withdrawal from the union elementary or union high school district shall occur if the question is approved by a majority vote of the union district voters living in each of the other member districts within the union elementary or union high school district. If a majority of the voters living in one or more member districts within the union district do not vote in favor of withdrawal, then the proposed withdrawal shall not occur.</p> <p>(E) Within 45 days after the vote in subdivision (D) of this subdivision (f)(2) or 15 days after a vote to reconsider the original vote under 17 V.S.A. § 2661, whichever is later, the clerk of each of the other member districts within the union elementary or union high school district</p>		<p>There is no corresponding 60% threshold in the Senate version because the withdrawal proposal only proceeds to the voters if AOE or SBE gives a positive opinion.</p>

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<p>shall certify the results of the vote to the Secretary of Education, and the Secretary shall advise the State Board of the certified results. Each clerk shall submit the certification regardless of whether the voters in that member district approved withdrawal. The withdrawal study committee shall cease to exist when each clerk has submitted a certification to the Secretary.</p> <p>(F) If the petitioning district or one of the other member districts does not have a town school district board, the legislative body or appropriate officer of the town shall perform electoral functions, including warning meetings and conducting the voting process, ordinarily performed by and in member districts on behalf of a union school district.</p> <p>(g) Election of potential board members. <i>SAME*</i></p> <p>(h) State Board's duties if withdrawal is approved. <i>SAME*</i></p> <p>(i) Certification; Secretary of State. If the State Board declares it to be the obligation of the new school district pursuant to subdivision (h)(2) of this section to provide for the education of resident students who were formerly the responsibility of the union elementary or union high school district, then within 30 days following such action the Secretary of Education shall certify the adjustment of the member districts within the union elementary or union high school district to the Secretary of State. When the Secretary of State records the certification of the Secretary of</p>	<p>(h) Election of potential board members. <i>SAME*</i></p> <p>(i) State Board's duties if withdrawal is approved. <i>SAME*</i></p> <p>(j) Certification; Secretary of State. If the State Board declares it to be the obligation of the new school district pursuant to subdivision (i)(2) of this section to provide for the education of resident students who were formerly the responsibility of the union elementary or union high school district, then within 30 days following such action the Secretary of Education shall certify the adjustment of the member districts within the union elementary or union high school district to the Secretary of State. When the Secretary of State records the certification of the Secretary of</p>	<p>*Substantively identical except for internal references</p>

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<p><u>Education, the member districts within the union elementary or union high school district shall be adjusted accordingly; provided, however, that the voter-approved proposal of withdrawal shall establish the date on which withdrawal shall be final, the new school district shall assume full and sole responsibility for the education of its residents in the grades for which it is now organized, and the union school district shall no longer have responsibility for the education of those students. Not more than 14 days after the date the Secretary of Education certifies the adjustment, the Secretary of State shall file a certified copy of the recorded certification with the clerk of the union elementary or union school district and the clerk for new school district. Filing a certified copy with the clerks shall be prima facie evidence of full compliance with the requirements for adjusting the union school district by withdrawal as set forth in this section.</u></p> <p>(j) <u>Timing of action. SAME*</u></p>	<p><u>Education, the member districts within the union elementary or union high school district shall be adjusted accordingly; provided, however, that the voter-approved proposal of withdrawal shall establish the date on which withdrawal shall be final, the new school district shall assume full and sole responsibility for the education of its residents in the grades for which it is now organized, and the union school district shall no longer have responsibility for the education of those students. Not more than 14 days after the date the Secretary of Education certifies the adjustment, the Secretary of State shall file a certified copy of the recorded certification with the clerk of the union elementary or union school district and the clerk for new school district. Filing a certified copy with the clerks shall be prima facie evidence of full compliance with the requirements for adjusting the union school district by withdrawal as set forth in this section.</u></p> <p>(k) <u>Timing of action. SAME*</u></p>	<p>*Substantively identical except for internal references</p>

Sec. 4. WITHDRAWAL ACTIONS APPROVED BY STATE BOARD; NEW DISTRICTS WITH AN OPERATIONAL DATE ON OR AFTER JULY 1, 2023

(a) Application of this section. *SAME*

(b) Vote of the board of the new school district; operational date. Before July 1, 2022, the board of the new school district shall vote whether to move forward with preparing for the operational date in effect on July 1, 2022 (current operational date) or whether to extend the operational date by one year. If the school board votes to extend the operational date, the operational date shall be extended to one year from the current operational date (new operational date). The board of the new school district shall notify the State Board and clerk of the union district of its decision and operational date on or before July 1, 2022. The State Board shall then review the preparedness of the new school district pursuant to subsection (d) of this section. The decision of the State Board shall be final regardless of whether it occurs in 2022 or 2023.

(c) Status report. On or before the regular July State Board meeting in the year in which the review will occur, the board of the new school district shall submit a written status report to the Board detailing the actions the district has taken and will take to ensure that, as of its operational date, the district will be prepared to assume sole responsibility for the education of its students in prekindergarten through grade 12 in a manner that

Sec. 4. WITHDRAWAL ACTIONS APPROVED BY STATE BOARD; NEW DISTRICTS WITH AN OPERATIONAL DATE ON OR AFTER JULY 1, 2023

(a) Application of this section. *SAME*

(b) Vote of the board of the new school district; operational date. Before July 1, 2022, the board of the new school district shall vote whether to move forward with preparing for the operational date in effect on July 1, 2022 (current operational date) or whether to extend the operational date by one year. If the school board votes to extend the operational date, the operational date shall be extended to one year from the current operational date (new operational date). The board of the new school district shall notify the State Board and clerk of the union district of its decision and operational date on or before July 1, 2022. The State Board shall then review the preparedness of the new school district pursuant to subsection (c) or (d) of this section depending on the operational date. The decision of the State Board shall be final regardless of whether it occurs in 2022 or 2023.

(c) Operational date in effect as of July 1, 2022; State Board review and action.

(1) Report. If the board of the new school district votes to move forward with preparing for the current operational date, it shall submit a written status report to the Board detailing the actions the district has taken and will take to ensure that, as of its operational date, the district will be prepared to assume sole responsibility for

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<p><u>will meet educational quality standards as required by 16 V.S.A. § 165 and to ensure the provision of supervisory union services. The status report shall include a timeline indicating the date by which each action shall be complete.</u></p> <p>(d) State Board review and findings.</p> <p>(1) Review. <u>The State Board shall consider the status report and provide the board of the new school district an opportunity to be heard. The Board may, in its discretion, take testimony from other individuals and entities, including the union school district and the Agency of Education. The State Board shall issue a determination of preparedness based on the review and report on or before the September 1 of the year in which the review will occur.</u></p> <p>(2) Preparedness deemed likely. <u>If the State Board determines that it is likely the new school district will be prepared, on the identified operational date provided to the State Board pursuant to subsection (b), to assume full responsibility for the education of its resident students in a manner that substantially complies with educational quality standards as required by 16 V.S.A. § 165, and to ensure the provision of supervisory union services, then the new school district, the union district, and, if applicable, the supervisory union or unions shall continue to take</u></p>	<p><u>the education of its students in prekindergarten through grade 12 in a manner that will meet educational quality standards as required by 16 V.S.A. § 165 and to ensure the provision of supervisory union services. The status report shall include a timeline indicating the date by which each action shall be complete and the report shall be submitted to the State Board on or before the State Board’s regular July 2022 meeting.</u></p> <p>(2) State Board review and action. <u>The State Board shall consider the status report and provide the board of the new school district an opportunity to be heard at a meeting located in the new school district. The State Board may also take testimony from other entities including the union school district and the Secretary of Education. The State Board shall issue a determination of preparedness based on the review and report on or before September 1, 2022.</u></p> <p>(A) Preparedness deemed likely. <u>If the State Board determines that it is likely the new school district will be prepared on the current operational date to assume full responsibility for the education of its resident students in a manner that substantially complies with educational quality standards as required by 16 V.S.A. § 165 and to ensure the provision of supervisory union services, then the new school district, the union district, and, if applicable, the supervisory union or unions shall continue to take all actions necessary to prepare for the realignment of duties on the operational date.</u></p>	

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<p><u>all actions necessary to prepare for the realignment of duties on the operational date.</u></p> <p>(3) Preparedness deemed unlikely.</p> <p>(A) <u>If the State Board determines there is a reasonable risk that the new district will not be able to be prepared, on the operational date provided to the State Board pursuant to subsection (b), to assume full responsibility for the education of its resident students in a manner that substantially complies with educational quality standards as required by 16 V.S.A. § 165, and to ensure the provision of supervisory union services, then the Board shall issue a written advisory statement detailing the factors underlying its conclusion, which it shall post on its website and transmit electronically to the board of the new school district.</u></p> <p>(B) <u>Upon receipt of an advisory opinion pursuant to subdivision (d)(3)(A) of this section, the board of the new school district shall post the document on its website and schedule the contents as a topic for public discussion at a special or regular board meeting.</u></p> <p>(C) <u>Prior to the operational date and after public discussion and any board deliberations:</u></p> <p>(i) <u>The board of the new school district may continue to take all actions necessary to prepare for the realignment of duties on the operational date.</u></p> <p>(ii) <u>On its own motion, or if petitioned to do so by at least five percent of the voters in the new school district, the board of the new school</u></p>	<p>(B) Preparedness deemed unlikely. <u>If the State Board determines there is a reasonable risk that the new school district will not be able to be prepared on the current operational date to assume full responsibility for the education of its resident students in a manner that substantially complies with educational quality standards as required by 16 V.S.A. § 165, and to ensure the provision of supervisory union services, then:</u></p> <p>(i) <u>the State Board shall reverse and void earlier declarations approving withdrawal and reconstituting the new school district and the withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is concluded; provided, however, upon order of the State Board, the new school district and its board may continue to exist for up to six months after the date of the State Board's determination for the sole purpose of completing any outstanding business that cannot legally be performed by another entity;</u></p> <p>(ii) <u>the petitioning town shall be a town within the union district;</u></p> <p>(iii) <u>the State Board's determination of reasonable risk and the resulting consequences imposed by such a determination shall be final and shall conclude the withdrawal action initiated pursuant to the provisions of the former 16 V.S.A. § 724;</u></p> <p>(iv) <u>if voters residing in any town within the union district wish to initiate new</u></p>	<p>In the Senate version, if the SBE determines preparedness is unlikely, it reverses the withdrawal declaration and the petitioning town becomes a town within the USD. There is no off-ramp, this is a final decision.</p>

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<p>district shall warn a vote to request the State Board to reverse its declaration approving withdrawal and reconstituting the new school district. The vote shall be held before the October 1 prior to the operational date.</p> <p>(I) The question shall be decided by Australian ballot.</p> <p>(II) Within 45 days after the vote or 15 days after a vote to reconsider under 17 V.S.A. § 2661, whichever is later, the clerk of the new school district shall certify the results of the vote to the Secretary of State who shall record the certificate and give notice of the vote to the clerk of the union district, the clerks of each of the other towns within the union district, and the Secretary of Education. The clerk of the new school district shall submit the certification regardless of whether the voters in the district voted to petition the State Board to reverse its declarations.</p> <p>(D) If the new school district requests the State Board to take action under subdivision (C) of this subsection (d), then:</p> <p>(i) the State Board shall reverse and void earlier declarations approving withdrawal and reconstituting the new school district and the withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is concluded; and</p> <p>(ii) the union school district shall continue to be solely responsible for the education of the students residing in the town that petitioned for withdrawal; provided, however:</p>	<p>withdrawal procedures, then they shall do so pursuant to the process set forth in Sec. 3, 16 V.S.A. § 724, of this act; and</p> <p>(v) the State Board may make any declarations and take any actions, including recording certifications with the Secretary of State, that are necessary to support the consequences outlined in this subdivision (2)(B).</p>	<p>In the House proposal, if the SBE determines preparedness is unlikely, the SBE writes an advisory opinion that shall be posted for public discussion. The new school board then decides whether to proceed with withdrawal or take the off-ramp.</p>

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<p>(I) the new school district and its board shall continue to exist for up to six months after the day on which the State Board reverses and voids its earlier declarations for the sole purpose of completing any outstanding business that cannot legally be performed by another entity; and</p> <p>(II) the State Board may make any declarations and take any actions, including recording certifications with the Secretary of State, that are necessary to support the consequences outlined in this subdivision (d)(3)(D).</p>	<p>(d) Extension of operational date; State Board review and action.</p> <p>(1) Notification to State Board. If the board of the new school district voted to extend the operational date to one year from the operational date in effect on July 1, 2022, then the board shall notify the State Board of Education of the new operational date pursuant to subsection (b) of this section and shall continue to take all actions necessary to prepare for the realignment of duties on the new operational date. The State Board may ask for updates from the board of the new school district on preparedness efforts at any point before its regular July 2023 meeting.</p> <p>(2) Report. On or before the regular July 2023 State Board meeting, the new school district shall submit a written status report to the Board detailing the actions the district has taken and will take to ensure that as of its new operational date the district will be prepared to assume sole responsibility for the education of its students in</p>	<p>This is the Senate version if the operational date is extended. It is the same process as above.</p>

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	<p>prekindergarten through grade 12 in a manner that will meet educational quality standards as required by 16 V.S.A. § 165 and to ensure the provision of supervisory union services. The status report shall include a timeline indicating the date by which each action shall be complete.</p> <p>(3) State Board review and action. The State Board shall consider the status report and provide the board of the new school district an opportunity to be heard at a meeting located in the new school district. The State Board may also take testimony from other entities including the union school district and the Secretary of Education. The State Board shall issue a determination of preparedness based on the review and the report on or before September 1, 2023.</p> <p>(A) Preparedness deemed likely. If the State Board determines that it is likely the new school district will be prepared on the new operational date to assume full responsibility for the education of its resident students in a manner that substantially complies with educational quality standards as required by 16 V.S.A. § 165 and to ensure the provision of supervisory union services, then the new school district, the union district, and, if applicable, the supervisory union or unions shall continue to take all actions necessary to prepare for the realignment of duties on the operational date.</p> <p>(B) Preparedness deemed unlikely. If the State Board determines there is a reasonable risk that the new school district will not be able to be prepared on the new operational date to assume</p>	

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	<p>full responsibility for the education of its resident students in a manner that substantially complies with educational quality standards as required by 16 V.S.A. § 165 and to ensure the provision of supervisory union services, then:</p> <p>(i) the State Board shall reverse and void earlier declarations approving withdrawal and reconstituting the new school district and the withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is concluded; provided, however, upon order of the State Board, the new school district and its board may continue to exist for up to six months after the date of the State Board's determination for the sole purpose of completing any outstanding business that cannot legally be performed by another entity;</p> <p>(ii) the petitioning town shall be a town within the union district;</p> <p>(iii) the State Board's determination of reasonable risk and the resulting consequences imposed by such a determination shall be final and shall conclude the withdrawal action initiated pursuant to the provisions of the former 16 V.S.A. § 724;</p> <p>(iv) if voters residing in any town within the union district wish to initiate new withdrawal procedures, then they shall do so pursuant to the process set forth in Sec. 3, 16 V.S.A. § 724, of this act; and</p> <p>(v) the State Board may make any declarations and take any actions, including recording certifications with the Secretary of State.</p>	

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<p>(e) Repeal. This section is repealed on July 1, <u>2024</u>.</p>	<p><u>that are necessary to support the consequences outlined in this subdivision (3)(B).</u></p> <p>(e) Repeal. This section is repealed on July 1, <u>2024</u>.</p>	
<p>Sec. 6. WITHDRAWAL PROPOSALS ON WHICH THE STATE BOARD HAS NOT TAKEN ACTION; UNION DISTRICT CREATED BY THE ELECTORATE</p> <p>(a) Application of this section. <i>SAME</i></p> <p><u>(b) Decision regarding timing of State Board review. At any time before July 1, 2022, the self-selected representatives of the petitioning town shall decide whether to begin a State Board of Education review of their withdrawal proposal in July of 2022 or July of 2023 and shall transmit their decision and proposed operational date to the State Board of Education and the clerk of the union district. The State Board shall review the withdrawal proposal only once. If the review of the withdrawal proposal occurs in 2023, the State Board may ask for updates from the self-selected members of the petitioning town on preparedness efforts prior to the final withdrawal proposal review. The decision of the State Board shall be final regardless of whether it occurs in 2022 or 2023.</u></p> <p>(c) Report and plan. <u>On or before the second Wednesday of July in the year in which the review will occur</u>, the self-selected representatives of the petitioning town shall submit a written report and</p>	<p>Sec. 6. WITHDRAWAL PROPOSALS ON WHICH THE STATE BOARD HAS NOT TAKEN ACTION; UNION DISTRICT CREATED BY THE ELECTORATE</p> <p>(a) Application of this section. <i>SAME</i></p> <p><u>(b) Decision regarding timing of State Board review. At any time before July 1, 2022, the self-selected representatives of the petitioning town shall decide whether to begin a State Board of Education review of their withdrawal proposal in July of 2022 or July of 2023 and shall transmit their decision and proposed operational date to the State Board of Education and the clerk of the union district. The State Board shall review the withdrawal proposal only once. If the review of the withdrawal proposal occurs in 2023, the State Board may ask for updates from the self-selected members of the petitioning town on preparedness efforts prior to the final withdrawal proposal review. The decision of the State Board shall be final regardless of whether it occurs in 2022 or 2023.</u></p> <p>(c) Report and plan. <u>On or before the second Wednesday of July in the year in which the review will occur</u>, the self-selected representatives of the petitioning town shall submit a written report and</p>	

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<p>plan to the State Board and shall indicate to the State Board that the documents are submitted pursuant to this section.</p> <p>(1) Report. <i>SAME*</i> (2) Plan. <i>SAME*</i></p> <p>(d) State Board review and action.</p> <p>(1) Review. The State Board shall consider the report and plan and shall provide the self-selected representatives of the petitioning town and the board of the union district an opportunity to be heard. The Board may, in its discretion, take testimony from other individuals and entities. The State Board shall issue a determination of preparedness as soon as possible after receipt of the report and plan but in no event later than the September 1 of the year in which the review will occur based on the decision the self-selected representatives of the petitioning town made pursuant to subsection (b) of this section.</p> <p>(2) Preparedness determination and vote to approve withdrawal. The State Board shall determine if it is likely or unlikely the proposed new school district will be prepared to assume full responsibility for the education of its resident students in a manner that substantially complies with educational quality standards as required by</p>	<p>plan to the State Board and shall indicate to the State Board that the documents are submitted pursuant to this section.</p> <p>(1) Report. <i>SAME*</i> (2) Plan. <i>SAME*</i></p> <p>(d) Review and preparedness determination by the State Board.</p> <p>(1) Review. The State Board shall consider the report and plan and provide the self-selected representatives of the petitioning town and the board of the union district an opportunity to be heard at a meeting held at a location within the petitioning town. The State Board may also take testimony from other individuals and entities, including the Secretary of Education and any supervisory union that has been identified as a potential source of supervisory union services for the proposed new school district. The State Board shall issue a determination of preparedness as soon as possible after receipt of the report and plan but in no event later than September 1, 2022 or September 1, 2023, as applicable, based on the decision of the self-selected representatives of the petitioning town made pursuant to subsection (b) of this section.</p> <p>(2) Preparedness deemed likely; State Board of Education action. If the State Board determines that it is likely the proposed new school district on the proposed operational date will be prepared to assume full responsibility for the education of its resident students in a manner that substantially complies with educational quality standards as</p>	

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<p><u>16 V.S.A. § 165 and whether it is likely or unlikely that supervisory union services will be available to the proposed new school district on the operational date. If the State Board determines preparedness is unlikely, it shall issue a written advisory statement detailing the factors underlying its conclusion, which shall be posted on its website. Upon making its preparedness determination, the State Board shall vote to:</u></p> <p><u>(A) approve the withdrawal proposal;</u> <u>(B) approve any motion necessary for the withdrawal process to proceed pursuant to subsection (e) of this section, including a motion to create a new school district as of the date of the motion in order to enable the election of members to the board of the proposed new school district, negotiation and voter approval of a withdrawal agreement pursuant to the former 16 V.S.A. § 724(c), and preparation to assume full responsibility for the education of resident students on the operational date;</u> <u>(C) determine or set a schedule for determining the manner in which supervisory union services will be provided to the proposed new school district and, if appropriate, the union district, to be effective on the proposed new school district's operational date; and</u> <u>(D) make any other findings or declarations and approve any other motions that are related and necessary to the withdrawal proposal.</u></p>	<p><u>required by 16 V.S.A. § 165 and that it is also likely supervisory union services will be available to the proposed new school district, then it shall vote to:</u></p> <p><u>(A) approve the withdrawal proposal;</u> <u>(B) approve any motion necessary for the withdrawal process to proceed pursuant to subsection (e) of this section, including a motion to create a new school district as of the date of the motion in order to enable the election of members to the board of the proposed new school district, negotiation and voter approval of a withdrawal agreement pursuant to the former 16 V.S.A. § 724(c), and preparation to assume full responsibility for the education of resident students on the operational date;</u> <u>(C) determine or set a schedule for determining the manner in which supervisory union services will be provided to the proposed new school district and, if appropriate, the union district, to be effective on the proposed new school district's operational date; and</u> <u>(D) make any other findings or declarations and approve any other motions that are related and necessary to the withdrawal proposal.</u></p>	<p>In the House proposal, the SBE shall approve the withdrawal proposal regardless of whether it determines preparedness is likely or unlikely. The off-ramp is available below.</p> <p>In the Senate version, the SBE only approves the withdrawal proposal if it determines preparedness is likely.</p>

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<p>(e) Actions necessary to be fully operational. After the State Board makes its determination of preparedness and approves the withdrawal process pursuant to subdivision (d)(2) of this section, then the new school district, the union district, and, if</p>	<p>(3) Preparedness deemed unlikely. If the State Board determines there is a reasonable risk that the proposed new school district will not be able to be prepared on the proposed operational date to assume full responsibility for the education of its resident students in a manner that substantially complies with educational quality standards as required by 16 V.S.A. § 165 and to ensure the provision of supervisory union services, and that the criteria will not be met by postponing the operational date, then:</p> <p>(A) the State Board shall declare that the petitioning town's proposal to withdraw initiated under the former 16 V.S.A. § 724 is denied;</p> <p>(B) the petitioning town shall remain a town within the union district;</p> <p>(C) the State Board's determination of reasonable risk and the resulting consequences imposed by such a determination shall be final and shall conclude the withdrawal action initiated pursuant to the provisions of the former 16 V.S.A. § 724; and</p> <p>(D) if voters residing in any town within the union district wish to initiate new withdrawal procedures, then they shall do so pursuant to the process set forth in Sec. 3, 16 V.S.A. § 724, of this act.</p> <p>(e) Preparedness deemed likely; next steps. If the State Board approves the withdrawal process pursuant to subdivision (d)(2) of this section, then the new school district, the union district, and, if applicable, the supervisory union or unions shall</p>	<p>In the Senate version, if the SBE determines preparedness is unlikely, the SBE shall deny the withdrawal proposal and the petitioning town remains a town within the USD. This decision is final.</p>

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<p><u>applicable, the supervisory union or unions shall take all actions necessary to be fully operational on the identified operational date. At a minimum, the required necessary actions shall include:</u></p> <p><u>(1) election of initial school board members by the voters of the new school district, whose terms of office shall be arranged so that one each expires on the day of the second, third, and fourth annual meeting of the new school district and whose sole responsibility until the new school district's operational date shall be to prepare for the district to assume sole responsibility for the education of resident students on that date;</u></p> <p><u>(2) negotiation by the board of the new school district and the board of the union district of the proposed financial terms of withdrawal in order to comply with the requirements of the former 16 V.S.A. § 724(c);</u></p> <p><u>(3) approval by the voters of each town within the union district of the negotiated proposed financial terms of withdrawal in order to comply with the requirements of the former 16 V.S.A. § 724(c);</u></p> <p><u>(4) preparation of a proposed budget by the board of the new school district for the fiscal year beginning on the district's operational date, together with presentation to and approval by the district's voters prior to that date;</u></p> <p><u>(5) preparation for the provision of supervisory union services to the new school district and, if applicable, for the transition of the</u></p>	<p><u>take all actions necessary to be fully operational on the identified operational date. At a minimum, the required necessary actions shall include:</u></p> <p><u>(1) election of initial school board members by the voters of the new school district, whose terms of office shall be arranged so that one each expires on the day of the second, third, and fourth annual meeting of the new school district and whose sole responsibility until the new school district's operational date shall be to prepare for the district to assume sole responsibility for the education of resident students on that date;</u></p> <p><u>(2) negotiation by the board of the new school district and the board of the union district of the proposed financial terms of withdrawal in order to comply with the requirements of the former 16 V.S.A. § 724(c);</u></p> <p><u>(3) approval by the voters of each town within the union district of the negotiated proposed financial terms of withdrawal in order to comply with the requirements of the former 16 V.S.A. § 724(c);</u></p> <p><u>(4) preparation of a proposed budget by the board of the new school district for the fiscal year beginning on the district's operational date, together with presentation to and approval by the district's voters prior to that date;</u></p> <p><u>(5) preparation for the provision of supervisory union services to the new school district and, if applicable, for the transition of the</u></p>	

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<p><u>union school district from a supervisory district structure to a supervisory union structure; and</u> <u>(6) all other actions necessary to transition from one school district to two districts and, if applicable, to transition from a supervisory district structure to a supervisory union structure, including any actions necessary to address the collectively bargained rights of employees of the former employing entity.</u></p> <p><u>(f) Preparedness deemed unlikely.</u> <u>(1) If the State Board determines preparedness is unlikely and issues a written advisory statement detailing the factors underlying its conclusion pursuant to subdivision (d)(2) of this section, it shall electronically transmit the advisory statement to the board of the new school district upon its election.</u> <u>(2) Upon receipt of the advisory statement, the board of the new school district shall post the document on its website and schedule the contents as a topic for public discussion at a special or regular board meeting.</u> <u>(3) Prior to the operational date and after public discussion and any board deliberations:</u> <u>(A) The board of the new school district may continue to take all actions necessary to prepare for the realignment of duties on the operational date.</u> <u>(B) On its own motion, or if petitioned to do so by at least five percent of the voters in the new school district, the board of the new school district shall warn a vote to request the State Board</u></p>	<p><u>union school district from a supervisory district structure to a supervisory union structure; and</u> <u>(6) all other actions necessary to transition from one school district to two districts and, if applicable, to transition from a supervisory district structure to a supervisory union structure, including any actions necessary to address the collectively bargained rights of employees of the former employing entity.</u></p>	<p>The House proposal allows for the off-ramp to be taken after the withdrawal is approved by SBE but before the operational date</p>

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<p>to reverse its declaration approving withdrawal and reconstituting the new school district. The vote shall be held before the October 1 prior to the operational date.</p> <p>(i) The question shall be decided by Australian ballot.</p> <p>(ii) Within 45 days after the vote or 15 days after a vote to reconsider under 17 V.S.A. § 2661, whichever is later, the clerk of the new school district shall certify the results of the vote to the Secretary of State who shall record the certificate and give notice of the vote to the clerk of the union district, the clerks of each of the other towns within the union district, and the Secretary of Education. The clerk of the new school district shall submit the certification regardless of whether the voters in the district voted to petition the State Board to reverse its declarations.</p> <p>(4) If the new school district requests the State Board to take action under subdivision (3) of this subsection, then:</p> <p>(A) the State Board shall reverse and void earlier declarations approving withdrawal and reconstituting the new school district and the withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is concluded; and</p> <p>(B) the union school district shall continue to be solely responsible for the education of the students residing in the town that petitioned for withdrawal; provided, however:</p> <p>(i) the new school district and its board shall continue to exist for up to six months</p>		

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<p>after the day on which the State Board reverses and voids its earlier declarations for the sole purpose of completing any outstanding business that cannot legally be performed by another entity; and</p> <p>(ii) the State Board may make any declarations and take any actions, including recording certifications with the Secretary of State, that are necessary to support the consequences outlined in this subdivision (e)(4).</p> <p>(g) Application of this section to withdrawal from a union elementary or union high school district.</p> <p>(1) The processes outlined in this section shall apply to an action of a member school district to withdraw from a union elementary or union high school district if the four elements set forth in subdivisions (1)–(4) of subdivision (a) are met.</p> <p>(2) For purposes of applying the process in this section to withdrawal from a union elementary or union high school district under this subsection, the terms used in subsections (a) through (d) of this section have the following meanings:</p> <p>(A) “Petitioning town” means the member district of the union elementary or union high school district that initiated the withdrawal process pursuant to the provisions of 16 V.S.A. § 721a that were in effect prior to the effective date of Sec. 3 of this act.</p> <p>(B) “Selectboard” means the board of the member district that initiated the withdrawal process pursuant to the provisions of 16 V.S.A.</p>		<p>The House proposal keeps the subsection with applies this Section to withdrawal from a UESD or UHSD. This language may not be necessary at this time because there it is highly unlikely a UESD or UHSD could complete the actions necessary for this section to be applicable to them at this time.</p>

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<p>§ 721a that were in effect prior to the effective date of Sec. 3 of this act.</p> <p>(C) “Town within the union school district” means a member district of the union elementary or union high school district.</p> <p>(h) Repeal. This section is repealed on July 1, 2025.</p>	<p>(f) Repeal. This section is repealed on July 1, 2025.</p>	

Sec. 7. WITHDRAWAL PROPOSALS; NO FINAL RATIFICATION VOTES

(a) Application of this section. This section shall apply solely to a withdrawal action initiated by a town within a union district (petitioning town) pursuant to the provisions of 16 V.S.A. § 724 that were in effect prior to the effective date of Sec. 3 of this act (former 16 V.S.A. § 724) if each of the following actions occurred prior to that date:

(1) the union district formed pursuant to the provisions of 16 V.S.A. §§ 706–706j that were in effect prior to the effective date of Sec. 3 of this act;

(2) a vote in the petitioning town to approve a withdrawal proposal was warned to occur on or before June 1, 2022; and

(3) the voters of each of the other towns within the union district have not voted whether to ratify the withdrawal proposal prior to the effective date of this section or they each voted but the votes are not final prior to the effective date.

(b) Vote of the other towns within the union district. If the voters in the petitioning town vote to approve withdrawal, then within 90 days after the town clerks in the other towns within the union district receive notice from the Secretary of State pursuant to the former 16 V.S.A. § 724(b) that the vote in the petitioning town is final, the voters of the other towns within the union district shall vote whether to ratify the withdrawal proposal. The question shall be determined by Australian ballot and shall proceed pursuant to Sec. 3, 16 V.S.A. § 737 (warnings of unified union school district

Sec. 7. WITHDRAWAL PROPOSALS; NO FINAL RATIFICATION VOTES

(a) Application of this section. This section shall apply solely to a withdrawal action initiated by a town within a union district (petitioning town) pursuant to the provisions of 16 V.S.A. § 724 that were in effect prior to the effective date of Sec. 3 of this act (former 16 V.S.A. § 724) if each of the following actions occurred prior to that date:

(1) the union district formed pursuant to the provisions of 16 V.S.A. §§ 706–706j that were in effect prior to the effective date of Sec. 3 of this act;

(2) a vote in the petitioning town to approve a withdrawal proposal was warned to occur on or before June 1, 2022; and

(3) the voters of each of the other towns within the union district have not voted whether to ratify the withdrawal proposal prior to the effective date of this section or they each voted but the votes are not final prior to the effective date.

(b) Vote of the other towns within the union district. If the voters in the petitioning town vote to approve withdrawal, then within 90 days after the town clerks in the other towns within the union district receive notice from the Secretary of State pursuant to the former 16 V.S.A. § 724(b) that the vote in the petitioning town is final, the voters of the other towns within the union district shall vote whether to ratify the withdrawal proposal. The question shall be determined by Australian ballot and shall proceed pursuant to Sec. 3, 16 V.S.A. § 737 (warnings of unified union school district

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<p>meetings) and §§ 739–741 (vote by Australian ballot) of this act. The ballots shall not be commingled.</p> <p>(1) Vote not to ratify withdrawal. If a majority of the voters in one or more towns within the union district do not vote in favor of withdrawal, then the proposed withdrawal shall not occur. The voters residing in any town within the union district may initiate new withdrawal procedures pursuant to the process set forth in Sec. 3, 16 V.S.A. § 724, of this act.</p> <p>(2) Vote in favor of withdrawal. If a majority of the voters in all towns within the union district vote in favor of withdrawal, then the withdrawal process shall proceed pursuant to subsections (c)–(g) of this section.</p> <p>(c) Decision regarding timing of State Board review. Within 30 days after the ratification votes of the other towns within the union district are final, the self-selected representatives of the petitioning town shall decide whether to undergo a State Board of Education review of the withdrawal proposal in 2022 or 2023 and shall transmit their decision and proposed operational date to the State Board of Education and clerk of the union district. In accordance with the decision of the self-selected representatives of the petitioning town regarding the year in which the withdrawal proposal shall be reviewed, the State Board, in consultation with the self-selected representatives, shall determine the date the final withdrawal proposal review will begin and transmit the date to the self-selected representatives of the petitioning town and the clerk of the union school district. The State</p>	<p>meetings) and §§ 739–741 (vote by Australian ballot) of this act. The ballots shall not be commingled.</p> <p>(1) Vote not to ratify withdrawal. If a majority of the voters in one or more towns within the union district do not vote in favor of withdrawal, then the proposed withdrawal shall not occur. The voters residing in any town within the union district may initiate new withdrawal procedures pursuant to the process set forth in Sec. 3, 16 V.S.A. § 724, of this act.</p> <p>(2) Vote in favor of withdrawal. If a majority of the voters in all towns within the union district vote in favor of withdrawal, then the withdrawal process shall proceed pursuant to subsections (c)–(e) of this section.</p> <p>(c) Decision regarding timing of State Board review. Within 30 days after the ratification votes of the other towns within the union district are final, the self-selected representatives of the petitioning town shall decide whether to undergo a State Board of Education review of the withdrawal proposal in 2022 or 2023 and shall transmit their decision and proposed operational date to the State Board of Education and clerk of the union district. In accordance with the decision of the self-selected representatives of the petitioning town regarding the year in which the withdrawal proposal shall be reviewed, the State Board, in consultation with the self-selected representatives, shall determine the date the final withdrawal proposal review will begin and transmit the date to the self-selected</p>	

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<p><u>Board shall review the withdrawal proposal only once. If the review of the withdrawal proposal occurs in 2023, the State Board may ask for updates from the self-selected members of the petitioning town on preparedness efforts prior to the final withdrawal proposal review. The decision of the State Board shall be final regardless of whether it occurs in 2022 or 2023.</u></p> <p>(d) Report and plan. <u>On or before the date set by the State Board to begin the final withdrawal proposal review, the self-selected representatives of the petitioning town shall submit a written report and plan to the State Board and shall indicate to the State Board that the documents are submitted pursuant to this section.</u></p> <p>(1) Report. <i>SAME</i></p> <p>(2) Plan. <i>SAME</i></p> <p><u>(e) State Board review and action.</u></p> <p>(1) Review. <u>The State Board shall consider the report and plan and shall provide the self-selected representatives of the petitioning town and the board of the union district an opportunity to be heard. The Board may, in its discretion, take testimony from other individuals and entities. The State Board shall issue a determination of preparedness as soon as possible after receipt of the report and plan but in no event later than 90 days after the date set by the State Board to begin the final withdrawal proposal review.</u></p>	<p><u>representatives of the petitioning town and the clerk of the union school district. The State Board shall review the withdrawal proposal only once. If the review of the withdrawal proposal occurs in 2023, the State Board may ask for updates from the self-selected members of the petitioning town on preparedness efforts prior to the final withdrawal proposal review. The decision of the State Board shall be final regardless of whether it occurs in 2022 or 2023.</u></p> <p>(d) Report and plan. <u>On or before the date set by the State Board to begin the final withdrawal proposal review, the self-selected representatives of the petitioning town shall submit a written report and plan to the State Board and shall indicate to the State Board that the documents are submitted pursuant to this section.</u></p> <p>(1) Report. <i>SAME</i></p> <p>(2) Plan. <i>SAME</i></p> <p><u>(e) Review and preparedness determination by the State Board.</u></p> <p>(1) Review. <u>The State Board shall consider the report and plan and provide the self-selected representatives of the petitioning town and the board of the union district an opportunity to be heard at a meeting held at a location within the petitioning town. The State Board may also take testimony from other individuals and entities including the Secretary of Education and any supervisory union that has been identified as a potential source of supervisory union services for the proposed new school district. The State Board</u></p>	

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<p>(2) Preparedness determination and vote to approve withdrawal. The State Board shall determine if it is likely or unlikely the proposed new school district will be prepared to assume full responsibility for the education of its resident students in a manner that substantially complies with educational quality standards as required by 16 V.S.A. § 165 and whether it is likely or unlikely that supervisory union services will be available to the proposed new school district on the operational date. If the State Board determines preparedness is unlikely, it shall issue a written advisory statement detailing the factors underlying its conclusion, which shall be posted on its website. Upon making its preparedness determination, the State Board shall vote to:</p> <p>(A) approve the withdrawal proposal;</p> <p>(B) approve any motion necessary for the withdrawal process to proceed pursuant to subsection (f) of this section, including a motion to create a new school district as of the date of the motion in order to enable the election of members to the board of the proposed new school district, negotiation and voter approval of a withdrawal agreement pursuant to the former 16 V.S.A. § 724(c), and preparation to assume full</p>	<p>shall issue a determination of preparedness as soon as possible after receipt of the report and plan but in no event later than 90 days after the date set by the State Board to begin the final withdrawal proposal review.</p> <p>(2) Preparedness deemed likely; State Board of Education action. If the State Board determines that it is likely the proposed new school district on the proposed operational date will be prepared to assume full responsibility for the education of its resident students in a manner that substantially complies with educational quality standards as required by 16 V.S.A. § 165 and that it is also likely supervisory union services will be available to the proposed new school district, then it shall vote to:</p> <p>(A) approve the withdrawal proposal;</p> <p>(B) approve any motion necessary for the withdrawal process to proceed pursuant to subsection (f) of this section, including a motion to create a new school district as of the date of the motion in order to enable the election of members to the board of the proposed new school district, negotiation and voter approval of a withdrawal agreement pursuant to the former 16 V.S.A. § 724(c), and preparation to assume full</p>	<p>In the House proposal, the SBE shall approve the withdrawal proposal regardless of whether it determines preparedness is likely or unlikely. The off-ramp is available below.</p> <p>In the Senate version, the SBE only approves the withdrawal proposal if it determines preparedness is likely</p>

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<p><u>responsibility for the education of resident students on the operational date;</u></p> <p><u>(C) determine or set a schedule for determining the manner in which supervisory union services will be provided to the proposed new school district and, if appropriate, the union district, to be effective on the proposed new school district’s operational date; and</u></p> <p><u>(D) make any other findings or declarations and approve any other motions that are related and necessary to the withdrawal proposal.</u></p>	<p><u>responsibility for the education of resident students on the operational date;</u></p> <p><u>(C) determine or set a schedule for determining the manner in which supervisory union services will be provided to the proposed new school district and, if appropriate, the union district, to be effective on the proposed new school district’s operational date; and</u></p> <p><u>(D) make any other findings or declarations and approve any other motions that are related and necessary to the withdrawal proposal.</u></p> <p><u>(3) Preparedness deemed unlikely. If the State Board determines there is a reasonable risk that the proposed new school district will not be able to be prepared on the proposed operational date to assume full responsibility for the education of its resident students in a manner that substantially complies with educational quality standards as required by 16 V.S.A. § 165 and to ensure the provision of supervisory union services, and that the criteria will not be met by postponing the operational date, then:</u></p> <p><u>(A) the State Board shall declare that the petitioning town’s proposal to withdraw initiated under the former 16 V.S.A. § 724 is denied;</u></p> <p><u>(B) the petitioning town shall remain a town within the union district;</u></p> <p><u>(C) the State Board’s determination of reasonable risk and the resulting consequences imposed by such a determination shall be final and shall conclude the withdrawal action initiated</u></p>	<p>In the Senate version, if the SBE determines preparedness is unlikely, the SBE shall deny the withdrawal proposal and the petitioning town remains a town within the USD. This decision is final.</p>

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<p><u>(f) Actions necessary to be fully operational. After the State Board makes its determination of preparedness and approves the withdrawal process pursuant to subdivision (e)(2) of this section, then the new school district, the union district, and, if applicable, the supervisory union or unions shall take all actions necessary to be fully operational on the identified operational date. At a minimum, the required necessary actions shall include:</u></p> <p><u>(1) election of initial school board members by the voters of the new school district, whose terms of office shall be arranged so that one each expires on the day of the second, third, and fourth annual meeting of the new school district and whose sole responsibility until the new school district's operational date shall be to prepare for the district to assume sole responsibility for the education of resident students on that date;</u></p> <p><u>(2) negotiation by the board of the new school district and the board of the union district of the proposed financial terms of withdrawal in order to comply with the requirements of the former 16 V.S.A. § 724(c);</u></p> <p><u>(3) approval by the voters of each town within the union district of the negotiated proposed</u></p>	<p><u>pursuant to the provisions of the former 16 V.S.A. § 724; and</u></p> <p><u>(D) if voters residing in any town within the union district wish to initiate new withdrawal procedures, then they shall do so pursuant to the process set forth in Sec. 3, 16 V.S.A. § 724, of this act.</u></p> <p><u>(f) Preparedness deemed likely; next steps. If the State Board approves the withdrawal process pursuant to subdivision (e)(2) of this section, then the new school district, the union district, and, if applicable, the supervisory union or unions shall take all actions necessary to be fully operational on the identified operational date. At a minimum, the required necessary actions shall include:</u></p> <p><u>(1) election of initial school board members by the voters of the new school district, whose terms of office shall be arranged so that one each expires on the day of the second, third, and fourth annual meeting of the new school district and whose sole responsibility until the new school district's operational date shall be to prepare for the district to assume sole responsibility for the education of resident students on that date;</u></p> <p><u>(2) negotiation by the board of the new school district and the board of the union district of the proposed financial terms of withdrawal in order to comply with the requirements of the former 16 V.S.A. § 724(c);</u></p> <p><u>(3) approval by the voters of each town within the union district of the negotiated proposed financial terms of withdrawal in order to comply</u></p>	

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<p><u>financial terms of withdrawal in order to comply with the requirements of the former 16 V.S.A. § 724(c);</u></p> <p><u>(4) preparation of a proposed budget by the board of the new school district for the fiscal year beginning on the district’s operational date, together with presentation to and approval by the district’s voters prior to that date;</u></p> <p><u>(5) preparation for the provision of supervisory union services to the new school district and, if applicable, for the transition of the union school district from a supervisory district structure to a supervisory union structure; and</u></p> <p><u>(6) all other actions necessary to transition from one school district to two districts and, if applicable, to transition from a supervisory district structure to a supervisory union structure, including any actions necessary to address the collectively bargained rights of employees of the former employing entity.</u></p> <p><u>(g) Preparedness deemed unlikely.</u></p> <p><u>(1) If the State Board determines preparedness is unlikely and issues a written advisory statement detailing the factors underlying its conclusion pursuant to subdivision (e)(2) of this section, it shall electronically transmit the advisory statement to the board of the new school district upon its election.</u></p> <p><u>(2) Upon receipt of the advisory statement, the board of the new school district shall post the document on its website and schedule the contents</u></p>	<p><u>with the requirements of the former 16 V.S.A. § 724(c);</u></p> <p><u>(4) preparation of a proposed budget by the board of the new school district for the fiscal year beginning on the district’s operational date, together with presentation to and approval by the district’s voters prior to that date;</u></p> <p><u>(5) preparation for the provision of supervisory union services to the new school district and, if applicable, for the transition of the union school district from a supervisory district structure to a supervisory union structure; and</u></p> <p><u>(6) all other actions necessary to transition from one school district to two districts and, if applicable, to transition from a supervisory district structure to a supervisory union structure, including any actions necessary to address the collectively bargained rights of employees of the former employing entity.</u></p>	<p>The House proposal allows for the off-ramp to be taken after the withdrawal is approved by SBE but before the operational date</p>

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<p>as a topic for public discussion at a special or regular board meeting.</p> <p>(3) Prior to the operational date and after public discussion and any board deliberations:</p> <p>(A) The board of the new school district may continue to take all actions necessary to prepare for the realignment of duties on the operational date.</p> <p>(B) On its own motion, or if petitioned to do so by at least five percent of the voters in the new school district, the board of the new school district shall warn a vote to request the State Board to reverse its declaration approving withdrawal and reconstituting the new school district. The vote shall be held before the October 1 prior to the operational date.</p> <p>(i) The question shall be decided by Australian ballot.</p> <p>(ii) Within 45 days after the vote or 15 days after a vote to reconsider under 17 V.S.A. § 2661, whichever is later, the clerk of the new school district shall certify the results of the vote to the Secretary of State who shall record the certificate and give notice of the vote to the clerk of the union district, the clerks of each of the other towns within the union district, and the Secretary of Education. The clerk of the new school district shall submit the certification regardless of whether the voters in the district voted to petition the State Board to reverse its declarations.</p>		

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<p>(4) If the new school district requests the State Board to take action under subdivision (3) of this subsection, then:</p> <p>(A) the State Board shall reverse and void earlier declarations approving withdrawal and reconstituting the new school district and the withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is concluded; and</p> <p>(B) the union school district shall continue to be solely responsible for the education of the students residing in the town that petitioned for withdrawal; provided, however:</p> <p>(i) the new school district and its board shall continue to exist for up to six months after the day on which the State Board reverses and voids its earlier declarations for the sole purpose of completing any outstanding business that cannot legally be performed by another entity; and</p> <p>(ii) the State Board may make any declarations and take any actions, including recording certifications with the Secretary of State, that are necessary to support the consequences outlined in this subdivision (e)(4).</p> <p>(h) Application of this section to withdrawal from a union elementary or union high school district.</p> <p>(1) The processes outlined in this section shall apply to an action of a member school district to withdraw from a union elementary or union high school district if the four elements set forth in subdivisions (1)–(4) of subdivision (a) are met.</p>		<p>The House proposal keeps the subsection with applies this Section to withdrawal from a UESD or UHSD. This language may not be necessary at this time because there it is highly unlikely a UESD or UHSD could</p>

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<p>(2) For purposes of applying the process in this section to withdrawal from a union elementary or union high school district under this subsection, the terms used in subsections (a) through (g) of this section have the following meanings:</p> <p>(A) “Petitioning town” means the member district of the union elementary or union high school district that initiated the withdrawal process pursuant to the provisions of 16 V.S.A. § 721a that were in effect prior to the effective date of Sec. 3 of this act.</p> <p>(B) “Selectboard” means the board of the member district that initiated the withdrawal process pursuant to the provisions of 16 V.S.A. § 721a that were in effect prior to the effective date of Sec. 3 of this act.</p> <p>(C) “Town within the union school district” means a member district of the union elementary or union high school district.</p> <p>(i) Repeal. This section is repealed on July 1, 2025.</p>	<p>(g) Repeal. This section is repealed on July 1, 2025.</p>	<p>complete the actions necessary for this section to be applicable to them at this time</p>
<p>Sec. 8. TEMPORARY MORATORIUM ON UNION SCHOOL DISTRICT SCHOOL CLOSURES</p> <p>(a) Notwithstanding any provision of law to the contrary, a union school district shall be prohibited from closing a school building within its district unless the school building closure has already been accounted for in the fiscal year 2023 school budget; the closure is necessary to protect the health and safety of students; the school district is</p>	<p>Sec. 8. TEMPORARY MORATORIUM ON UNION SCHOOL DISTRICT SCHOOL CLOSURES</p> <p>(a) Notwithstanding any provision of law to the contrary, a union school district shall be prohibited from closing a school building within its district unless the school building closure has already been accounted for in the fiscal year 2023 school budget or the closure is approved by the district voters residing in the town in which the building is</p>	

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<p><u>unable to adequately staff the school building at issue</u>; the closure is approved by the district voters residing in the town in which the building is located; or <u>keeping the school building open would be detrimental to the educational opportunities of the students in the school building</u>. For the purposes of this section, “closing a school building” means the district ceases to use the building to provide direct education for a majority of the grades operated within the building on or before July 1, 2022.</p> <p>(b) This section is repealed on July 1, 2023.</p>	<p><u>located. For the purposes of this section, “closing a school building “ means the district ceases to use the building to provide direct education for a majority of the grades operated within the building on or before July 1, 2022.</u></p> <p>(b) This section is repealed on July 1, 2024.</p>	