Side-by-Side of H.727 As Passed House v. Senate Proposal of Amendment Beth St. James 4.5.22 (draft 1.2)

Differences highlighted in yellow

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

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

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

As Passed House	Senate Proposal of Amendment	Notes
	contents of the written statement and to answer any	
	questions posed by the board; and	
(C) the withdrawal study committee shall	(C) the withdrawal study committee shall	
cease to exist upon adjournment of the union	cease to exist upon adjournment of the union	
district board's meeting.	district board's meeting.	
(e) Secretary and State Board.	(e) Secretary of Education review and opinion.	
(1) Secretary. If the study committee voted	(1) Review by the Secretary. Within 30 days	
to proceed pursuant to subdivision (d)(1) of this	after attending the union district board meeting	
section, then it shall deliver its report electronically	pursuant to subdivision (d)(1)(C) of this section, the	
to the Secretary for review. The liaison	withdrawal study committee shall deliver the report	
subcommittee may also submit a report outlining its	or reports electronically to the Secretary for review.	
analysis and conclusions. The Secretary shall	The Secretary:	
submit the report or reports, with recommendations,		
to the State Board.		
(2) State Board review. The State Board:		
(A) shall consider the report or reports	(A) shall consider the report or reports;	
and the Secretary's recommendations;		
(B) shall provide representatives of the	(B) shall provide representatives of the	
withdrawal study committee and the liaison	withdrawal study committee, the liaison	
subcommittee an opportunity to be heard;	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;	
(C) may, in its discretion, take testimony	(C) may, in the Secretary's discretion,	
from other individuals and entities;	take testimony from other individuals and entities;	
(D) may ask the Secretary, the withdrawal	(D) may ask the withdrawal study	
study committee, or the liaison subcommittee to	committee, or the liaison subcommittee, to make	
make further investigation and may consider any	further investigation and may consider any other	
other information the State Board deems to be	information the Secretary deems to be pertinent;	
pertinent; and	<u>and</u>	

As Passed House	Senate Proposal of Amendment	Notes
(E) may request the members of the	(E) may request that the members of the	
withdrawal study committee to amend the report.	withdrawal study committee to amend the report.	
(3) State Board action.	(2) Advisory opinion of the Secretary with	
	positive recommendation.	
(A) Advisory opinion with positive	(A) If the Secretary finds that the	
recommendation. If the State Board finds that the	withdrawal proposal contained in the report,	
withdrawal proposal contained in the report,	including the most feasible options for the	
including the most feasible options for the	provision of supervisory union services to the	
provision of supervisory union services to the	proposed new school district, is in the best interests	
proposed new school district, is in the best interests	of the State, the region, the students, and the school	
of the State, the region, the students, and the school	districts, and aligns with the policy set forth in	
districts, and aligns with the policy set forth in	section 701 of this title, then, within 90 days	
section 701 of this title, then the State Board shall:	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	(i) issue an opinion recommending	
approval of the withdrawal proposal;	approval of the withdrawal proposal;	
(ii) provide a preliminary assessment	(ii) provide a preliminary assessment	
of most feasible options for the provision of	of most feasible options for the provision of	
supervisory union services to the proposed new	supervisory union services to the proposed new	
school district if withdrawal is approved by the	school district if withdrawal is approved by the	
voters; and	voters; and	
(iii) make any other finding <mark>or</mark>	(iii) make any other finding related and	
declaration, and approve any other motion, related	necessary to the withdrawal proposal.	
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.	
(B) Advisory opinion with negative	(3) Advisory opinion of the Secretary with	
recommendation. If the State Board finds that the	negative recommendation. If the Secretary finds	
withdrawal proposal contained in the report,	that the withdrawal proposal contained in the	
including the most feasible options for the	report, including the most feasible options for the	

As Passed House	Senate Proposal of Amendment	Notes
provision of supervisory union services to the	provision of supervisory union services to the	
proposed new school district, is not in the best	proposed new school district, is not in the best	
interests of the State, the region, the students, and	interests of the State, the region, the students, and	
the school districts, or does not align with the	the school districts or does not align with the policy	
policy set forth in section 701 of this title, or both,	set forth in section 701 of this title, or both, then,	
then the State Board shall:	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	(A) issue a written opinion recommending	
disapproval of the withdrawal proposal, including a	disapproval of the withdrawal proposal, including a	
written statement detailing the reasons supporting	written statement detailing the reasons supporting	
this conclusion;	this conclusion;	
(ii) provide a preliminary assessment	(B) provide a preliminary assessment of	
of most feasible options for the provision of	the most feasible options for the provision of	
supervisory union services to the proposed new	supervisory union services to the proposed new	
school district if withdrawal is approved by the	school district if withdrawal is approved by the	
voters; and	voters;	
(iii) make any other finding or	(C) make any other finding related and	
declaration, and approve any other motion, related	necessary to the withdrawal proposal; and	
and necessary to the withdrawal proposal.	(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	

As Passed House	Senate Proposal of Amendment	Notes
	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.	
	(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.	
	(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	

	Notes
shall issue a final written decision and transmit the	
decision to the superintendent.	
(A) Vote to approve. If the State Board	
finds that the withdrawal proposal contained in the	
report, including the most feasible options for the	
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state, the region, the students, and the school	
	decision to the superintendent. (A) Vote to approve. If the State Board finds that the withdrawal proposal contained in the

As Passed House	Senate Proposal of Amendment	Notes
	districts or does not align with the policy set forth	
	in section 701 of this title, or both, then:	
	(i) the State Board shall not approve	
	the report supporting withdrawal;	
	(ii) the process will not proceed to a	
	vote of the electorate;	
	(iii) the petitioning town shall remain a	
	town within the union district; and	
	(iv) the State Board's determination	
	and the resulting consequences imposed by such a	
	determination shall be final and shall conclude the	
	withdrawal action.	
	(v) The withdrawal study committee	
_	shall cease to exist after the vote of the State Board.	
(f) Vote of the electorate.	(g) Vote of the electorate.	
(1) Vote following positive recommendation		
of the State Board.	_	
(A) Within 30 days after receipt of the	(1) Within 30 days following receipt of the	
State Board's written recommendation, the	Secretary's positive advisory opinion pursuant to	
superintendent shall file the withdrawal study	subdivision (e)(2) of this section or within 30 days	
committee's report, the State Board's written	following the State Board's vote to approve the	
recommendation, and any report of the liaison	withdrawal proposal pursuant to subdivision	
subcommittee with the clerk of the union district	(f)(3)(A) of this section, the superintendent shall	
and the town clerk of each town within the union	file the withdrawal study committee's report, the	
<u>district.</u>	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.	
(B) Within 90 days after the clerk of the	(2) Within 90 days after the clerk of the	
union district receiving the reports and	union district receives the reports and	
recommendations described in subdivision (A) of	recommendations described in subdivision (2) of	

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this subsection, the voters of the union district,	this subsection, the voters of the union district,	
including those residing in the petitioning town,	including those residing in the petitioning town,	
shall vote whether to approve withdrawal as set	shall vote whether to approve withdrawal as set	
forth in the report. The question shall be	forth in the report. The question shall be	
determined by Australian ballot and shall proceed	determined by Australian ballot and shall proceed	
pursuant to sections 737 (warnings of unified union	pursuant to sections 737 (warnings of unified union	
school district meetings) and 739–742 (vote by	school district meetings) and 739–741 (vote by	
Australian ballot) of this chapter.	Australian ballot) of this chapter. The ballots shall	
_	not be commingled.	
(C) Withdrawal from the union district	(3) Withdrawal from the union district shall	
shall occur if the question is approved by a majority	occur if the question is approved by a majority vote	
vote of the union district voters living in each town	of the union district voters living in each town	
within the district, including the petitioning town.	within the district, including the petitioning town.	
If a majority of the voters in one or more towns	If a majority of the voters in one or more towns	
within the union district do not vote in favor of	within the union district do not vote in favor of	
withdrawal, then the proposed withdrawal shall not	withdrawal, then the proposed withdrawal shall not	
occur.	occur.	
(D) Within 45 days after the vote or 15	(4) Within 45 days after the vote or 15 days	
days after a vote to reconsider the original vote	after a vote to reconsider the original vote under 17	
under 17 V.S.A. § 2661, whichever is later, the	V.S.A. § 2661, whichever is later, the clerk of each	
clerk of each town within the union district shall	town within the union district shall certify the	
certify the results of the vote to the Secretary of	results of the vote to the Secretary of Education,	
Education, and the Secretary shall advise the State	and the Secretary shall advise the State Board of	
Board of the certified results. Each clerk shall	the certified results. Each clerk shall submit the	
submit the certification regardless of whether the	<u>certification regardless of whether the voters in that</u>	
voters in that town approved withdrawal. The	town approved withdrawal. The withdrawal study	
withdrawal study committee shall cease to exist	committee shall cease to exist when each clerk has	
when each clerk has submitted a certification to the	submitted a certification to the Secretary.	
Secretary.		
(2) Vote following negative recommendation		
of the State Board.		

As Passed House	Senate Proposal of Amendment	Notes
(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.		
(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.		
(i) The question shall be determined by		
Australian ballot and shall proceed pursuant to		
sections 737 (warnings of unified union school		
district meetings) and 739–742 (vote by Australian		
ballot) of this chapter.		
(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.		
(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		

As Passed House	Senate Proposal of Amendment	Notes
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.		
(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.		
(i) The question shall be determined by		
Australian ballot and shall proceed pursuant to		
sections 737 (warnings of unified union school		
district meetings) and 739–742 (vote by Australian		
ballot) of this chapter.		
(ii) Withdrawal from the union district		
shall occur if the question is approved by a 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.		
(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		
Education, and the Secretary shan advise the State		

As Passed House	Senate Proposal of Amendment	Notes
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.	_	*Substantively
(g) Election of potential board members.SAME*	(h) Election of potential board members.SAME*	identical except
(h) State Board's duties if withdrawal is	(i) State Board's duties if withdrawal is	for internal
approved. SAME*	approved. SAME*	references
(i) Certification; Secretary of State. If the State	(j) Certification; Secretary of State. If the State	
Board declares the creation and existence of a new	Board declares the creation and existence of a new	
school district pursuant to subdivision (h)(2) of this	school district pursuant to subdivision (i)(2) of this	
section, then the Secretary of Education shall	section, then within 30 days following such action	
certify the adjustment of the towns within the union	the Secretary of Education shall certify the	
district to the Secretary of State. When the	adjustment of the towns within the union district to	
Secretary of State records the certification of the	the Secretary of State. When the Secretary of State	
Secretary of Education, the towns within the union	records the certification of the Secretary of	
district shall be adjusted accordingly; provided,	Education, the towns within the union district shall	
however, that the voter-approved proposal of	be adjusted accordingly; provided, however, that	
withdrawal shall establish the date on which	the voter-approved proposal of withdrawal shall	
withdrawal shall be final, the new school district	establish the date on which withdrawal shall be	
shall assume full and sole responsibility for the	final, the new school district shall assume full and	
education of its resident students, and the union	sole responsibility for the education of its resident	
school district shall no longer have responsibility	students, and the union school district shall no	
for the education of those students. Not more than	longer have responsibility for the education of	
14 days after the date the Secretary of Education	those students. Not more than 14 days after the	
certifies the adjustment, the Secretary of State shall	date the Secretary of Education certifies the	
file a certified copy of the recorded certification	adjustment, the Secretary of State shall file a	
with the clerk of the union district and the clerk for	certified copy of the recorded certification with the	
the town in which the new school district is located.	clerk of the union district and the clerk for the town	
Filing a certified copy with the clerks shall be	in which the new school district is located. Filing a	
prima facie evidence of full compliance with the	certified copy with the clerks shall be prima facie	

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requirements for adjusting the union school district	evidence of full compliance with the requirements	
by withdrawal as set forth in this section.	for adjusting the union school district by	
	withdrawal as set forth in this section.	*Substantively
(j) Timing of action. SAME*	(k) Timing of action. SAME*	identical except
		for internal
		references
Sec. 3. § 725. WITHDRAWAL FROM OR	Sec. 3. § 725. WITHDRAWAL FROM OR	
DISSOLUTION OF A UNION ELEMENTARY	DISSOLUTION OF A UNION ELEMENTARY	
OR UNION HIGH SCHOOL DISTRICT	OR UNION HIGH SCHOOL DISTRICT	
(a) Definition. As used in this section: SAME	(a) Definition. As used in this section: SAME	
(b) Withdrawal study committee. SAME	(b) Withdrawal study committee. SAME	
(c) Analysis. SAME	(c) Analysis. SAME	
(d) Report, including a plan for withdrawal;	(d) Report, including a plan for withdrawal;	
decision not to prepare report.	decision not to prepare report.	
(1) Report supporting withdrawal.	(1) Report supporting withdrawal.	
(A) If, after conducting the analysis	(A) If, after conducting the analysis	
required by subsection (c) of this section, the	required by subsection (c) of this section, the	
withdrawal study committee votes to advance the	withdrawal study committee votes to advance the	
withdrawal process as further outlined in this	withdrawal process as further outlined in this	
section, then the committee shall prepare a report,	section, then the committee shall prepare a report,	
which it shall deliver electronically to the union	which it shall deliver electronically to the union	
district board and which the superintendent shall	district board and which the superintendent shall	
publish on the district's website.	publish on the district's website.	
(B) At a minimum, the report shall	(B) At a minimum, the report shall	
include:	include:	
(i) the analysis conducted pursuant to	(i) the analysis conducted pursuant to	
subsection (c) of this section, describing the ways in which the data and analysis:	subsection (c) of this section, describing the ways in which the data and analysis:	
(I) support withdrawal; and	(I) support withdrawal; and	
(II) do not support the continuation	(II) do not support the continuation	
of the union elementary or union high school	of the union elementary or union high school	
district in its current configuration;	district in its current configuration;	
district in its current configuration,	district in its current configuration,	

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(ii) the proposed financial terms of	(ii) the proposed financial terms of	
withdrawal, including the proposed ownership of	withdrawal, including the proposed ownership of	
buildings and other assets and the proposed	buildings and other assets and the proposed	
responsibility for financial and other contractual	responsibility for financial and other contractual	
obligations, including debts;	obligations, including debts;	
(iii) a plan, including a detailed	(iii) a plan, including a detailed	
timeline, for the actions the proposed new school	timeline, for the actions the proposed new school	
district would take to ensure that, on the proposed	district would take to ensure that, on the proposed	
operational date, it could provide for the education	operational date, it could provide for the education	
of its students in the grades for which the union	of its students in the grades for which the union	
elementary or union high school district is	elementary or union high school district is	
organized, in a manner that will meet educational	organized, in a manner that will meet educational	
quality standards as required by section 165 of this	quality standards as required by section 165 of this	
title, and including, if applicable, the process by	title, and including, if applicable, the process by	
which the proposed new school district would	which the proposed new school district would	
explore formation of a new union district with one	explore formation of a new union district with one	
or more other school districts in the region and	or more other school districts in the region and	
would integrate or condition any votes to withdraw	would integrate or condition any votes to withdraw	
with votes on formation of a new union district;	with votes on formation of a new union district; and	
(iv) a proposal, including analysis, for	(iv) a proposal, including analysis, for	
the source of supervisory union services for the	the source of supervisory union services for the	
proposed new school district.	proposed new school district.	
(C) The union elementary or union high	(C) Within 45 days following receipt of	
school district board shall invite the members of the	the study committee report, the union elementary or	
withdrawal study committee to attend a regularly	union high school district board shall invite the	
scheduled meeting of the board to present the	members of the withdrawal study committee to	
contents of its report and to answer any questions	attend a regularly scheduled meeting of the board to	
posed by the board. The board shall also invite the	present the contents of its report and to answer any	
members of the liaison subcommittee to share any	questions posed by the board. The board shall also	
analysis and conclusions at the meeting. The	invite the members of the liaison subcommittee to	
withdrawal study committee has sole authority to	share any analysis and conclusions at the meeting.	
determine the contents of its report.		

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	The withdrawal study committee has sole authority	
(2) Decision not to propose withdrawal. If,	to determine the contents of its report.	
after conducting the analysis required by subsection	(2) Decision not to propose withdrawal. If,	
(c) of this section, the withdrawal study committee	after conducting the analysis required by subsection	
votes not to approve advancement of the	(c) of this section, the withdrawal study committee	
withdrawal process, then:	votes not to approve advancement of the	
(A) the withdrawal study committee shall	withdrawal process, then:	
prepare a brief written statement explaining the	(A) the withdrawal study committee shall	
reasons underlying the votes supporting and not	prepare a brief written statement explaining the	
supporting advancement, which it shall deliver	reasons underlying the votes supporting and not	
electronically to the union district board and which	supporting advancement, which it shall deliver	
the superintendent shall publish on the district's	electronically to the union district board and which	
website;	the superintendent shall publish on the district's	
(B) the union elementary or union high	website;	
school district board shall invite the members of the	(B) within 45 days following receipt of	
withdrawal study committee to attend a regularly	the study committee report, the union elementary or	
scheduled meeting of the board to present the	union high school district board shall invite the	
contents of the written statement and to answer any	members of the withdrawal study committee to	
questions posed by the board; and	attend a regularly scheduled meeting of the board to	
	present the contents of the written statement and to	
(C) the withdrawal study committee shall	answer any questions posed by the board; and	
cease to exist upon adjournment of the union	(C) the withdrawal study committee shall	
elementary or union high school district board's	cease to exist upon adjournment of the union	
meeting.	elementary or union high school district board's	
(e) Secretary and State Board.	meeting.	
(1) Secretary. If the study committee voted	(e) Secretary of Education review and opinion.	
to proceed pursuant to subdivision (d)(1) of this	(1) Review by the Secretary. Within 30 days	
section, then it shall deliver its report electronically	after attending the union district board meeting	
to the Secretary for review. The liaison	pursuant to subdivision (d)(1)(C) of this section, the	
subcommittee may also submit a report outlining its	withdrawal study committee shall deliver the report	
analysis and conclusions. The Secretary shall	or reports electronically to the Secretary for review.	
	The Secretary:	

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submit the report or reports, with recommendations,	-	
to the State Board.		
(2) State Board review. The State Board:		
(A) shall consider the report or reports	(A) shall consider the report or reports;	
and the Secretary's recommendations;		
(B) shall provide representatives of the	(B) shall provide representatives of the	
withdrawal study committee and the liaison	withdrawal study committee, the liaison	
subcommittee an opportunity to be heard;	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;	
(C) may, in its discretion, take testimony	(C) may, in the Secretary's discretion,	
from other individuals and entities;	take testimony from other individuals and entities;	
(D) may ask the Secretary, the withdrawal	(D) may ask the withdrawal study	
study committee, or the liaison subcommittee to	committee, or the liaison subcommittee, to make	
make further investigation and may consider any	further investigation and may consider any other	
other information the State Board deems to be	information the Secretary deems to be pertinent;	
pertinent; and	and	
(E) may request the members of the	(E) may request that the members of the	
withdrawal study committee to amend the report.	withdrawal study committee amend the report.	
(3) State Board action.	(2) Advisory opinion of the Secretary with	
	positive recommendation.	
(A) Advisory opinion with positive	(A) If the Secretary finds that the	
recommendation. If the State Board finds that the	withdrawal proposal contained in the report,	
withdrawal proposal contained in the report is in	including the most feasible options for the	
the best interests of the State, the region, the	provision of supervisory union services to the	
students, and the school districts, and aligns with	proposed new school district, is in the best interests	
the policy set forth in section 701 of this title, then	of the State, the region, the students, and the school	
the State Board shall:	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	

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	committee agrees to an extension of the deadline,	
	the Secretary shall:	
(i) issue an opinion recommending	(i) issue an opinion recommending	
approval of the withdrawal proposal;	approval of the withdrawal proposal;	
(ii) provide a preliminary assessment	(ii) provide a preliminary assessment	
of the source of supervisory union services to the	of most feasible options for the provision of	
proposed new school district if withdrawal is	supervisory union services to the proposed new	
approved by the voters; and	school district if withdrawal is approved by the	
	voters; and	
(iii) make any other finding <mark>or</mark>	(iii) make any other finding related and	
declaration, and approve any other motion, related	necessary to the withdrawal proposal.	
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.	
(B) Advisory opinion with negative	(3) Advisory opinion of the Secretary with	
recommendation. If the State Board finds that the	negative recommendation. Advisory opinion. If	
withdrawal proposal contained in the report is not	the Secretary finds that the withdrawal proposal	
in the best interests of the State, the region, the	contained in the report, including the most feasible	
students, and the school districts or does not align	options for the provision of supervisory union	
with the policy set forth in section 701 of this title,	services to the proposed new school district, is not	
or both, then the State Board shall:	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:	
(i) issue an opinion recommending	(A) issue a written opinion recommending	
disapproval of the withdrawal proposal, including a	disapproval of the withdrawal proposal, including a	
written statement detailing the reasons supporting	written statement detailing the reasons supporting	
this conclusion;	this conclusion;	

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(ii) provide a preliminary assessment	(B) provide a preliminary assessment of	
of the source supervisory union services to the	most feasible options for the provision of	
proposed new school district if withdrawal is	supervisory union services to the proposed new	
approved by the voters; and	school district if withdrawal is approved by the	
_	voters;	
(<mark>iii</mark>) make any other finding <mark>or</mark>	(C) make any other finding related and	
declaration, and approve any other motion, related	necessary to the withdrawal proposal; and	
and necessary to the withdrawal proposal.	(D) post the written opinion on the	
	Agency of Education's website and transmit it	
	electronically to the clerk of the union district.	
	(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 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.	
	(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.	
	meeting.	

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	(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.	
	(A) Vote to approve. 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:	
	(i) approve the study committee report	
	supporting withdrawal, together with any	
	amendments, as the final report and proposal of	
	<u>withdrawal;</u>	

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	(ii) provide a preliminary assessment	
	of most feasible options for the provision of	
	supervisory union services to the proposed new	
	school district;	
	(iii) declare that the withdrawal	
	process will proceed to a vote of the union district	
	voters pursuant to subsection (g) of this section;	
	and	
	(iv) make any other finding or	
	declaration, and approve any other motion, related	
	and necessary to the withdrawal proposal.	
	(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:	
	(i) the State Board shall not approve	
	the report supporting withdrawal;	
	(ii) the process will not proceed to a	
	vote of the electorate;	
	(iii) the petitioning district shall remain a member district within the union district; and	
	(iv) the State Board's determination	
	and the resulting consequences imposed by such a	
	determination shall be final and shall conclude the	
	withdrawal action.	
	(C) The withdrawal study committee shall	
	cease to exist after the vote of the State Board.	
	cease to exist after the vote of the State Doald.	

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(f) Vote of the electorate.	(g) Vote of the electorate.	
(1) Vote following positive recommendation		
of the State Board.		
(A) Within 30 days after receipt of the	(1) Within 30 days following receipt of the	
State Board's written recommendation, the	Secretary's positive advisory opinion pursuant to	
superintendent shall file the withdrawal study	subdivision (e)(2)(A) of this section or within 30	
committee's report, the State Board's written	days following the State Board's vote to approve	
recommendation, and any report of the liaison	the withdrawal proposal pursuant to subdivision	
subcommittee with the clerk of the union	(f)(3)(A) of this section, the superintendent shall	
elementary or union high school district and the	file the withdrawal study committee's report, the	
district clerk of each of the member districts within	State Board's written recommendation, and any	
the union elementary or union high school district.	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.	
(B) Within 90 days after the clerk of the	(2) Within 90 days after the clerk of the	
union district receiving the reports and	union district receiving the reports and	
recommendations described in subdivision (A) of	recommendations described in subdivision (1) of	
this subsection, the voters of the union elementary	this subsection, the voters of the union elementary	
or union high school district, including those	or union high school district, including those	
residing in the petitioning district, shall vote	residing in the petitioning district, shall vote	
whether to approve withdrawal as set forth in the	whether to approve withdrawal as set forth in the	
report. The question shall be determined by	report. The question shall be determined by	
Australian ballot and shall proceed pursuant to	Australian ballot and shall proceed pursuant to	
sections 755 (warnings of union elementary and	sections 755 (warnings of union elementary and	
union high school district meetings) and 757–759	union high school district meetings) and 757–759	
(vote by Australian ballot) of this chapter.	(vote by Australian ballot) of this chapter.	
(C) Withdrawal from the union	(3) Withdrawal from the union elementary or	
elementary or union high school district shall occur	union high school district shall occur if the question	
if the question is approved by a majority vote of the	is approved by a majority vote of the union district	
union district voters living in each of the member	voters living in each of the member districts within	

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districts within the union elementary or union high	the union elementary or union high school district,	
school district, including in the petitioning district.	including in the petitioning district. If a majority of	
If a majority of the voters in one or more member	the voters in one or more member districts within	
districts within the union elementary or union high	the union elementary or union high school district	
school district do not vote in favor of withdrawal,	do not vote in favor of withdrawal, then the	
then the proposed withdrawal shall not occur.	proposed withdrawal shall not occur.	
(D) Within 45 days after the vote or 15	(4) Within 45 days after the vote or 15 days	
days after a vote to reconsider the original vote	after a vote to reconsider the original vote under 17	
under 17 V.S.A. § 2661, whichever is later, the	V.S.A. § 2661, whichever is later, the clerk of each	
clerk of each member district within the union	member district within the union elementary or	
elementary or union high school district shall	union high school district shall certify the results of	
certify the results of the vote to the Secretary of	the vote to the Secretary of Education, and the	
Education, and the Secretary shall advise the State	Secretary shall advise the State Board of the	
Board of the certified results. Each clerk shall	certified results. Each clerk shall submit the	
submit the certification regardless of whether the	certification regardless of whether the voters in that	
voters in that district approved withdrawal. The	district approved withdrawal. The withdrawal	
withdrawal study committee shall cease to exist	study committee shall cease to exist when each	
when each clerk has submitted a certification to the	clerk has submitted a certification to the Secretary.	
Secretary.	_	
(E) If the petitioning district or one of the	(5) If the petitioning district or one of the	
other member districts does not have a town school	other member districts does not have a town school	
district board, the legislative body or appropriate	district board, the legislative body or appropriate	
officer of the town shall perform electoral	officer of the town shall perform electoral	
functions, including warning meetings and	functions, including warning meetings and	
conducting the voting process, ordinarily performed	conducting the voting process, ordinarily performed	
by and in member districts on behalf of a union	by and in member districts on behalf of a union	
school district.	school district.	
(2) Vote following negative recommendation		
of the State Board.		
(A) The superintendent shall file the		
withdrawal study committee's report, the State		
Board's written recommendation, and any report of		

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

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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.		
(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.		
(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.		
(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.		

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(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 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.		
(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.		
(g) Election of potential board members.SAME*	(h) Election of potential board members.SAME*	
(h) State Board's duties if withdrawal is	(i) State Board's duties if withdrawal is	
approved. SAME*	approved. SAME*	
(i) Certification; Secretary of State. If the State	(j) Certification; Secretary of State. If the State	*Substantively
Board declares it to be the obligation of the new	Board declares it to be the obligation of the new	identical except
school district pursuant to subdivision (h)(2) of this	school district pursuant to subdivision (i)(2) of this	for internal
section to provide for the education of resident	section to provide for the education of resident	references
students who were formerly the responsibility of	students who were formerly the responsibility of	
the union elementary or union high school district,	the union elementary or union high school district,	
	then within 30 days following such action the	

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

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) Status report. On or before the regular July 2022 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 operational date, the district will be prepared to assume sole responsibility for the education of its students in

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 the

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

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(3) Preparedness deemed unlikely.	(B) Preparedness deemed unlikely. If the	
(A) If the State Board determines there is	State Board determines there is a reasonable risk	
a reasonable risk that the new district will not be	that the new school district will not be able to be	
able to be prepared, on the operational date, to	prepared on the current operational date to assume	
assume full responsibility for the education of its	full responsibility for the education of its resident	
resident students in a manner that substantially	students in a manner that substantially complies	
complies with educational quality standards as	with educational quality standards as required by	
required by 16 V.S.A. § 165, and to ensure the	16 V.S.A. § 165, and to ensure the provision of	
provision of supervisory union services, then the	supervisory union services, then:	
Board shall issue a written advisory statement	(i) the State Board shall reverse and	
detailing the factors underlying its conclusion,	void earlier declarations approving withdrawal and	
which it shall post on its website and transmit	reconstituting the new school district and the	
electronically to the board of the new school	withdrawal action initiated pursuant to the former	
district.	16 V.S.A. § 724 is concluded; provided, however,	
(B) Upon receipt of an advisory opinion	upon order of the State Board, the new school	
pursuant to subdivision (c)(3)(A) of this section, the	district and its board may continue to exist for up to	
board of the new school district shall post the	six months after the date of the State Board's	
document on its website and schedule the contents	determination for the sole purpose of completing	
as a topic for public discussion at a special or	any outstanding business that cannot legally be	
<u>regular board meeting.</u>	performed by another entity;	
(C) Prior to the operational date and after	(ii) the petitioning town shall be a	
public discussion and any board deliberations:	town within the union district;	
(i) The board of the new school district	(iii) the State Board's determination of	
may continue to take all actions necessary to	reasonable risk and the resulting consequences	
prepare for the realignment of duties on the	imposed by such a determination shall be final and	
<mark>operational date.</mark>	shall conclude the withdrawal action initiated	
(ii) On its own motion, or if petitioned	pursuant to the provisions of the former 16 V.S.A.	
to do so by at least five percent of the voters in the	<u>§ 724;</u>	
new school district, the board of the new school	(iv) if voters residing in any town	
district shall warn a vote to request the State Board	within the union district wish to initiate new	
to reverse its declaration approving withdrawal and	withdrawal procedures, then they shall do so	
reconstituting the new school district. The vote		

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shall be held before the October 1 prior to the	pursuant to the process set forth in Sec. 3, 16	
operational date.	V.S.A. § 724, of this act; and	
(I) The question shall be decided by	(v) the State Board may make any	
Australian ballot.	declarations and take any actions, including	
(II) Within 45 days after the vote or	recording certifications with the Secretary of State,	
15 days after a vote to reconsider under 17 V.S.A. §	that are necessary to support the consequences	
2661, whichever is later, the clerk of the new	outlined in this subdivision (2)(B).	
school district shall certify the results of the vote to	(d) Extension of operational date; State Board	
the Secretary of State who shall record the	review and action.	
certificate and give notice of the vote to the clerk of	(1) Notification to State Board. If the board	
the union district, the clerks of each of the other	of the new school district voted to extend the	
towns within the union district, and the Secretary of	operational date to one year from the operational	
Education. The clerk of the new school district	date in effect on July 1, 2022, then the board shall	
shall submit the certification regardless of whether	notify the State Board of Education of the new	
the voters in the district voted to petition the State	operational date pursuant to subsection (b) of this	
Board to reverse its declarations.	section and shall continue to take all actions	
(D) If the new school district requests the	necessary to prepare for the realignment of duties	
State Board to take action under subdivision (C) of	on the new operational date. The State Board may	
this subsection (c), then:	ask for updates from the board of the new school	
(i) the State Board shall reverse and	district on preparedness efforts at any point before	
void earlier declarations approving withdrawal and	its regular July 2023 meeting.	
reconstituting the new school district and the	(2) Report. On or before the regular July	
withdrawal action initiated pursuant to the former	2023 State Board meeting, the new school district	
16 V.S.A. § 724 is concluded; and	shall submit a written status report to the Board	
(ii) the union school district shall	detailing the actions the district has taken and will	
continue to be solely responsible for the education	take to ensure that as of its new operational date the	
of the students residing in the town that petitioned	district will be prepared to assume sole	
for withdrawal; provided, however:	responsibility for the education of its students in	
(I) the new school district and its	prekindergarten through grade 12 in a manner that	
board shall continue to exist for up to six months	will meet educational quality standards as required	
after the day on which the State Board reverses and	by 16 V.S.A. § 165 and to ensure the provision of	
voids its earlier declarations for the sole purpose of	supervisory union services. The status report shall	

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completing any outstanding business that cannot	include a timeline indicating the date by which each	
legally be performed by another entity; and	action shall be complete.	
(II) the State Board may make any	(3) State Board review and action. The State	
declarations and take any actions, including	Board shall consider the status report and provide	
recording certifications with the Secretary of State,	the board of the new school district an opportunity	
that are necessary to support the consequences	to be heard at a meeting located in the new school	
outlined in this subdivision (c)(3)(D).	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.	
	(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.	
	(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 full	
	responsibility for the education of its resident	
	students in a manner that substantially complies	
	with educational quality standards as required by	

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	16 V.S.A. § 165 and to ensure the provision of	
	supervisory union services, then:	
	(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;	
	(ii) the petitioning town shall be a	
	town within the union district;	
	(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;	
	(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	
	(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 (3)(B).	

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(d) Repeal. This section is repealed on July 1,	(e) Repeal. This section is repealed on July 1,	
<u>2023</u> .	<u>2024</u> .	
Sec. 6. WITHDRAWAL PROPOSALS ON WHICH	Sec. 6. WITHDRAWAL PROPOSALS ON WHICH	
THE STATE BOARD HAS NOT TAKEN	THE STATE BOARD HAS NOT TAKEN	
ACTION; UNION DISTRICT CREATED BY	ACTION; UNION DISTRICT CREATED BY	
THE ELECTORATE	THE ELECTORATE	
(a) Application of this section. SAME	(a) Application of this section. SAME	
	(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	
	<u>2023.</u>	
(b) Report and plan. At any time after the	(c) Report and plan. On or before the second	
effective date of this section, but on or before the	Wednesday of July in the year in which the review	
regular September 2022 State Board meeting, the	will occur, the self-selected representatives of the	
self-selected representatives of the petitioning town	petitioning town shall submit a written report and	
shall submit a written report and plan to the State	plan to the State Board and shall indicate to the	
Board.	State Board that the documents are submitted	
	pursuant to this section.	

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(1) Report. SAME*	(1) Report. SAME*	
(2) Plan. SAME*	(2) Plan. SAME*	
(c) State Board review and action.	(d) Review and preparedness determination by	
	the State Board.	
(1) Review. The State Board shall consider	(1) Review. The State Board shall consider	
the report and plan and shall provide the self-	the report and plan and provide the self-selected	
selected representatives of the petitioning town and	representatives of the petitioning town and the	
the board of the union district an opportunity to be	board of the union district an opportunity to be	
heard. The Board may, in its discretion, take	heard at a meeting held at a location within the	
testimony from other individuals and entities.	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.	
(2) Preparedness determination and vote to	(2) Preparedness deemed likely; State Board	
approve withdrawal. The State Board shall	of Education action. If the State Board determines	
determine if it is likely or unlikely the proposed	that it is likely the proposed new school district on	
new school district will be prepared to assume full	the proposed operational date will be prepared to	
responsibility for the education of its resident	assume full responsibility for the education of its	
students in a manner that substantially complies	resident students in a manner that substantially	
with educational quality standards as required by	complies with educational quality standards as	
16 V.S.A. § 165 and whether it is likely or unlikely	required by 16 V.S.A. § 165 and that it is also	
that supervisory union services will be available to	likely supervisory union services will be available	
the proposed new school district on the operational	to the proposed new school district, then it shall	
date. If the State Board determines preparedness is	vote to:	

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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:		
(A) approve the withdrawal proposal;	(A) approve the withdrawal proposal;	
(B) approve any motion necessary for the	(B) approve any motion necessary for the	
withdrawal process to proceed pursuant to	withdrawal process to proceed pursuant to	
subsection (d) of this section, including a motion to	subsection (e) of this section, including a motion to	
create a new school district as of the date of the	create a new school district as of the date of the	
motion in order to enable the election of members	motion in order to enable the election of members	
to the board of the proposed new school district,	to the board of the proposed new school district,	
negotiation and voter approval of a withdrawal	negotiation and voter approval of a withdrawal	
agreement pursuant to the former 16 V.S.A.	agreement pursuant to the former 16 V.S.A.	
§ 724(c), and preparation to assume full	§ 724(c), and preparation to assume full	
responsibility for the education of resident students	<u>responsibility for the education of resident students</u>	
on the operational date;	on the operational date;	
(C) determine or set a schedule for	(C) determine or set a schedule for	
determining the manner in which supervisory union	determining the manner in which supervisory union	
services will be provided to the proposed new	services will be provided to the proposed new	
school district and, if appropriate, the union district,	school district and, if appropriate, the union district,	
to be effective on the proposed new school	to be effective on the proposed new school	
district's operational date; and	district's operational date; and	
(D) make any other findings or	(D) make any other findings or	
declarations and approve any other motions that are	declarations and approve any other motions that are	
related and necessary to the withdrawal proposal.	related and necessary to the withdrawal proposal.	
	(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	

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	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:	
	(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;	
	(B) the petitioning town shall remain a	
	town within the union district;	
	(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	
	(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	
(d) Actions necessary to be fully operational.	act. (e) Preparedness deemed likely; next steps. If	
After the State Board makes its determination of	the State Board approves the withdrawal process	
preparedness and approves the withdrawal process	pursuant to subdivision (d)(2) of this section, then	
pursuant to subdivision $(c)(2)$ of this section, then	the new school district, the union district, and, if	
the new school district, the union district, and, if	applicable, the supervisory union or unions shall	
applicable, the supervisory union or unions shall	take all actions necessary to be fully operational on	
take all actions necessary to be fully operational on	the identified operational date. At a minimum, the	
the identified operational date. At a minimum, the	required necessary actions shall include:	
required necessary actions shall include:	required necessary actions shall metado.	
(1) election of initial school board members	(1) election of initial school board members	
by the voters of the new school district, whose	by the voters of the new school district, whose	

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terms of office shall be arranged so that one each	terms of office shall be arranged so that one each	
expires on the day of the second, third, and fourth	expires on the day of the second, third, and fourth	
annual meeting of the new school district and	annual meeting of the new school district and	
whose sole responsibility until the new school	whose sole responsibility until the new school	
district's operational date shall be to prepare for the	district's operational date shall be to prepare for the	
district to assume sole responsibility for the	district to assume sole responsibility for the	
education of resident students on that date;	education of resident students on that date;	
(2) negotiation by the board of the new	(2) negotiation by the board of the new	
school district and the board of the union district of	school district and the board of the union district of	
the proposed financial terms of withdrawal in order	the proposed financial terms of withdrawal in order	
to comply with the requirements of the former	to comply with the requirements of the former	
<u>16 V.S.A. § 724(c);</u>	<u>16 V.S.A. § 724(c);</u>	
(3) approval by the voters of each town	(3) approval by the voters of each town	
within the union district of the negotiated proposed	within the union district of the negotiated proposed	
financial terms of withdrawal in order to comply	financial terms of withdrawal in order to comply	
with the requirements of the former 16 V.S.A. §	with the requirements of the former 16 V.S.A. §	
<u>724(c);</u>	<u>724(c);</u>	
(4) preparation of a proposed budget by the	(4) preparation of a proposed budget by the	
board of the new school district for the fiscal year	board of the new school district for the fiscal year	
beginning on the district's operational date,	beginning on the district's operational date,	
together with presentation to and approval by the	together with presentation to and approval by the	
district's voters prior to that date;	district's voters prior to that date;	
(5) preparation for the provision of	(5) preparation for the provision of	
supervisory union services to the new school	supervisory union services to the new school	
district and, if applicable, for the transition of the	district and, if applicable, for the transition of the	
union school district from a supervisory district	union school district from a supervisory district	
structure to a supervisory union structure; and	structure to a supervisory union structure; and	
(6) all other actions necessary to transition	(6) all other actions necessary to transition	
from one school district to two districts and, if	from one school district to two districts and, if	
applicable, to transition from a supervisory district	applicable, to transition from a supervisory district	
structure to a supervisory union structure, including	structure to a supervisory union structure, including	
any actions necessary to address the collectively	any actions necessary to address the collectively	

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bargained rights of employees of the former	bargained rights of employees of the former	
employing entity.	employing entity.	
(e) Preparedness deemed unlikely.		
(1) If the State Board determines		
preparedness is unlikely and issues a written		
advisory statement detailing the factors underlying		
its conclusion pursuant to subdivision (c)(2) of this		
section, it shall electronically transmit the advisory		
statement to the board of the new school district		
upon its election.		
(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.		
(3) Prior to the operational date and after		
public discussion and any board deliberations:		
(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.		
(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.		
(i) The question shall be decided by		
Australian ballot.		

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(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.		
(4) If the new school district requests the		
State Board to take action under subdivision (3) of		
this subsection, then:		
(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		
(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:		
(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		
(ii) the State Board may make any		
declarations and take any actions, including		

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recording certifications with the Secretary of State,	-	
that are necessary to support the consequences		
outlined in this subdivision (e)(4).		
(f) Application of this section to withdrawal		
from a union elementary or union high school		
district.		
(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.		
(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:		
(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.		
(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.		
(C) "Town within the union school		
district" means a member district of the union		
elementary or union high school district.	70 5 1 70 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
(g) Repeal. This section is repealed on July 1,	(f) Repeal. This section is repealed on July 1,	
<u>2024.</u>	<u>2025.</u>	

Sec. 7. WITHDRAWAL PROPOSALS; NO FINAL RATIFICATION VOTES

- (a) Unified union school districts. If a town within a unified union school district voted to withdraw from the union district 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, and if 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 if they each voted but the votes are not final prior to the effective date, then the withdrawal action is deemed to have been withdrawn. 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.
- (b) Union elementary and union high school districts. If a member district of a union elementary or union high school district voted to withdraw from the union district 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, and if the voters of each of the other member districts of the union district have not voted whether to ratify the withdrawal proposal prior to the effective date of this section or if they each voted but the votes are not final prior to the effective date, then the withdrawal action is deemed to have been withdrawn. The voters residing in any member district of the union district may initiate new withdrawal procedures pursuant to the process set forth in Sec. 3, 16 V.S.A. § 725, of this act.

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

Senate version of Sec. 7 mirrors the process in Sec. 6, after the towns within the USD vote to approve withdrawal

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	meetings) and §§ 739–741 (vote by Australian	
	ballot) of this act. The ballots shall not be	
	commingled.	
	(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.	
	(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.	
	(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	

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	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	
	<u>2022 or 2023.</u>	
	(d) Report and plan. 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.	
	(1) Report. The report shall describe the	
	analysis that has been performed by the petitioning	
	town to evaluate the likely strengths and challenges	
	for the proposed new school district and for the	
	reconfigured union district if withdrawal is	
	approved and the ways in which withdrawal would	
	enable both districts to provide for the education of	
	their respective resident students in a manner that	
	will meet educational quality standards as required	
	by 16 V.S.A. § 165. The report shall address:	
	(A) the educational advantages and	
	disadvantages likely to result from withdrawal for	
	the students in the proposed new school district and	
	the students in the remaining towns within the	
	union district and the ways in which they are	

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	preferable to those of continuing in the current	
	governance structure;	
	(B) the financial advantages and	
	disadvantages likely to result from withdrawal for	
	the taxpayers in the proposed new school district	
	and the taxpayers in the remaining towns within the	
	union district and the ways in which they are	
	preferable to those of continuing in the current	
	governance structure;	
	(C) the likely operational and financial	
	viability and sustainability of the proposed new	
	school district and the union district after	
	withdrawal of the petitioning town;	
	(D) any other advantages and	
	disadvantages of withdrawal, including any	
	advantages and disadvantages to the students and	
	taxpayers of the region and the State; and	
	(E) the potential source of supervisory	
	union services for the new school district and, if	
	appropriate, for the union district, including	
	discussions with the board of any supervisory union	
	to which the petitioning town proposes assignment.	
	(2) Plan. The plan shall describe the actions	
	that the petitioning town has taken and will take to	
	ensure that, as of its proposed operational date, the	
	proposed new district will be prepared to assume	
	sole responsibility for the education of its students	
	<u>in prekindergarten through grade 12 in a manner</u>	
	that will meet educational quality standards as	
	required by 16 V.S.A. § 165, including the actions	
	necessary to transition to the proposed method by	
	which supervisory union services would be	

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	provided. The plan shall include a timeline	
	indicating the date by which each action will be	
	complete. At a minimum, the plan and timeline	
	should include the actions identified in subsection	
	(f) of this section.	
	(e) Review and preparedness determination by	
	the State Board.	
	(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 90 days after the date set by the	
	State Board to begin the final withdrawal proposal	
	review.	
	(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	

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	to the proposed new school district, then it shall	
	vote to:	
	(A) approve the withdrawal proposal;	
	(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	
	responsibility for the education of resident students	
	on the operational date;	
	(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	
	(D) make any other findings or	
	declarations and approve any other motions that are	
	related and necessary to the withdrawal proposal.	
	(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,	

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	and that the criteria will not be met by postponing	
	the operational date, then:	
	(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;	
	(B) the petitioning town shall remain a	
	town within the union district;	
	(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.	
	<u>§ 724; and</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.	
	(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:	
	(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	

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	district's operational date shall be to prepare for the	
	district to assume sole responsibility for the	
	education of resident students on that date;	
	(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	
	<u>16 V.S.A. § 724(c);</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);	
	(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;	
	(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	
	(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.	
	(g) Repeal. This section is repealed on July 1,	
	<u>2025.</u>	

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No comparable section	Sec. 8. TEMPORARY MORATORIUM ON	
	UNION SCHOOL DISTRICT SCHOOL	
	CLOSURES	
	(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	
	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.	
	(b) This section is repealed on July 1, 2024.	

No comparable section Sec. 9. UNION SCHOOL DISTRICT CLOSURES: REPORT On or before September 1, 2023, the Agency of Education shall issue a written report to the Senate and House Committees on Education on union school district school building closures. In preparing the report, the Agency shall consult with the State Board of Education, the Vermont School Boards Association, the Vermont Principals' Association, the Vermont Superintendents Association, the Vermont National Education Association, and the Vermont League of Cities and Towns. The Agency shall also solicit and consider comments from the public. The report shall include: (1) an examination of examples of recent school closures, or attempted school closures, within union school districts and identification of common trends and issues; (2) an examination of the impact school closures have had or are anticipated to have on towns or member districts seeking to withdraw from a union school district; (3) an examination of the issues leading a school board to consider closing a school building, the options to address the issue that could be employed instead of school closure, and the impact the inability to close a school building has had or is expected to have on the union school district or any of the towns or member districts within it: (4) an examination of the factors that should be used to determine school viability and

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	sustainability and how those factors relate to school	
	<u>closure decisions;</u>	
	(5) an examination of the advantages and	
	disadvantages of creating a consistent statewide	
	process for union school district school closures	
	and a common definition of what actions constitute	
	<u>a closure;</u>	
	(6) recommendations on school closure	
	standards and processes; and	
	(7) recommendations for legislative action,	
	including recommended legislative language.	

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No comparable section	Sec. 10. UNION SCHOOL DISTRICT	
	WITHDRAWAL; ANNUAL	
	REPORT	
	The Agency of Education shall make an annual	
	report to the Senate and House Committees on	
	Education on or before January 15. The report	
	shall include a detailed analysis of each union	
	school district withdrawal action the Agency	
	reviewed during the preceding year. The report	
	shall also include any recommendations for	
	legislative action.	

No comparable section Sec. 11. 16 V.S.A. § 1804 is added to read: § 1804. EMPLOYMENT TRANSITION; NEW SCHOOL DISTRICT CREATED UPON WITHDRAWAL FROM A UNION SCHOOL DISTRICT (a) Definitions. The definitions in section 1801 of this subchapter shall not apply to this section. As used in this section: (1) "Expanded district" means a school district: (A) that was responsible for the education of students residing in a single town for some, but not all, grades, whether by operating all grades, tuitioning all grades, or operating some grades and paying tuition for others; and (B) that, as the result of its withdrawal from a union elementary or union high school district pursuant to section 725 of this title, is solely responsible for the education of its resident students in all grades prekindergarten through grade 12, whether by operating all grades, tuitioning all grades, or operating some grades and paying tuition for others. (2) "New district" means: (A) a school district created by withdrawal from a unified union school district pursuant to section 724 of this title that is responsible for the prekindergarten through grade 12 education of students residing in a single town. whether by operating all grades, tuitioning all grades, or operating some grades and paying tuition for others;

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	(B) a school district responsible for the	
	prekindergarten through grade 12 education of	
	students residing in a single town, whether by	
	operating all grades, tuitioning all grades, or	
	operating some grades and paying tuition for	
	others, that was formed when another town's	
	withdrawal from a unified union school district	
	resulted in dissolution of the union district;	
	(C) an expanded district that did not	
	operate any schools immediately prior to	
	withdrawal and, after withdrawal, operates a school	
	in one or more of the grades previously operated by	
	the union district; or	
	(D) a school district created by	
	withdrawal from a union elementary or union high	
	school district pursuant to section 725 of this title if	
	prior to withdrawal the withdrawing member was a	
	member of both a union elementary school district	
	and a union high school district, was not	
	independently organized as a district responsible	
	for the education of students in any grade, and did	
	not have a town school district board.	
	(3) "Operational date" means the date on	
	which a new district or an expanded district	
	assumes full and sole responsibility for the	
	education of its resident students in the grades for	
	which the union district was previously responsible.	
	"Initial operational year" and "second operational	
	year" mean the year commencing on the	
	operational date and the year immediately	
	following the initial operational year, respectively.	

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	(4) "Transitional period" means the period of	
	time beginning on the day on which the State Board	
	declares the creation and existence of the new	
	district or the expanded district pursuant to	
	subdivision 724(h)(2) or 725(h)(2) of this title and	
	continuing until the new district's or newly	
	expanded district's operational date.	
	(b) Negotiations council and recognized	
	representatives of a new district. At its first	
	meeting during the transitional period, the board of	
	a new district shall:	
	(1) appoint a school board negotiations	
	council for the new district for the purpose of	
	negotiating with the representatives of future	
	licensed and nonlicensed employees of the new	
	district; and	
	(2) recognize the representative of the	
	employees of the union school district as the	
	recognized representative of the employees of the	
	new district.	
	(c) Employment agreements for the initial and	
	second operational years of a new district.	
	(1) After the new district's organizational	
	meeting, the new district's school board	
	negotiations council and the representative of the	
	employees of the new district shall commence	
	negotiations relating to the employment of licensed	
	and nonlicensed employees in the initial operational	
	year. Negotiations shall be conducted pursuant to the provisions of chapter 57 of this title for teachers	
	and administrators and 21 V.S.A. chapter 22 for	
	other employees. The negotiations council or	

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	councils representing employees of the union	
	school district shall represent the employees of the	
	new district unless and until the exclusive	
	representative for employees of the new district	
	designates new representatives to a negotiations	
	council.	
	(2) If the parties do not ratify a new	
	agreement at least 90 days prior to the new	
	district's operational date, then the new district and	
	its employees shall be governed by the terms of the	
	collectively bargained agreement in place for the	
	union district for the year preceding the initial	
	operational year unless and until the parties agree	
	otherwise.	
	(d) Non-probationary employees; changes to	
	seniority and other provisions. For each new	
	district and its employees, whether governed by an	
	agreement in the initial operational year pursuant to	
	subdivision (c)(1) or (c)(2) of this section:	
	(1) an employee of the union district in the	
	year preceding the initial operational year who was	
	not a probationary employee of the union district at	
	the conclusion of that year shall not be considered a	
	probationary employee if employed by the new	
	district in the initial operational year; and	
	(2) prior to the operational date, the board of	
	the union district, the board of the new district, and the representative of the employees of the union	
	district may negotiate a temporary memorandum of	
	understanding to adjust provisions in the union	
	district contract regarding seniority, reductions in	
	force, layoff, and recall in order to assist the	
	roice, rayou, and recair in order to assist the	

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	workforce needs of both the union district and the	
	new district and the best interests of the licensed	
	and nonlicensed employees they employ.	
	(e) Individual employment contracts not	
	covered by a collective bargaining agreement. On	
	its operational date, the new district shall assume	
	the obligations of each existing individual	
	employment contract, including accrued leave and	
	associated benefits, of any union district employee	
	not covered by a collective bargaining agreement	
	who worked in the building located in the new	
	district in the year preceding the initial operational	
	year and who chooses to continue to work in the	
	same capacity in that building in the initial	
	operational year.	
	(f) Supervisory unions. If the State Board	
	creates a new supervisory union to provide services	
	to the new district and one or more other school	
	districts, then the provisions of subsections (b)	
	through (e) of this section shall apply to the	
	transition of any employee who was employed by	
	the union district in the year prior to the initial	
	operational year to provide services typically	
	provided by a supervisory union employee, if the	
	employee is employed by the new supervisory	
	union in the initial operational year to provide the	
	same services, with the board of the new	
	supervisory union assuming the responsibilities of	
	the board of the new district as outlined in	
	subsections (b) through (e) of this section.	

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No comparable section	Sec. 12. APPLICATION OF EMPLOYMENT TRANSITION PROVISIONS The provisions of Sec. 11 of this act shall also apply to any school district with an operational date of July 1, 2023 or later if the State Board of Education created the district as the result of a withdrawal action initiated pursuant to the terms of 16 V.S.A. § 721a or § 724 that were in effect on January 1, 2022.	
Sec. 8. EFFECTIVE DATE This act shall take effect on July 1, 2022.	Sec. 13. EFFECTIVE DATE This act shall take effect on passage.	