

1 H.727

2 Senator Chittenden moves that the Senate propose to the House that the bill
3 be amended by striking out all after the enacting clause and inserting in lieu
4 thereof the following:

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

7 Subchapter ~~16~~. ~~GENERALLY~~; CONTRACTS BETWEEN DISTRICTS
8 TO OPERATE SCHOOLS JOINTLY

9 § 571. CONTRACTS TO CONSTRUCT AND OPERATE JOINT SCHOOLS

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11 § 572. JOINT BOARDS FOR JOINT, CONTRACT, OR CONSOLIDATED
12 SCHOOLS

13 * * *

14 Sec. 2. REPEAL

15 16 V.S.A. chapter 11 (union schools) is repealed on July 1, 2022.

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

17 CHAPTER 11. UNION SCHOOL DISTRICTS

18 Subchapter 1. General Provisions

19 § 701. POLICY

20 It is the policy of the State to provide substantially equal educational
21 opportunities for all children in Vermont by authorizing two or more school

1 districts, including an existing union school district, to form a union school
2 district for the purpose of providing for the education of its resident students in
3 the grades for which it is organized, and for the new union school district to be
4 a body politic and corporate with the powers incident to a municipal
5 corporation, with all of the rights and responsibilities that a town school district
6 has in providing for the education of its resident students. Formation of union
7 school districts shall be designed to encourage and support local decisions and
8 actions that provide substantial equity of educational opportunities statewide,
9 lead students to achieve or exceed the State’s Education Quality Standards,
10 maximize operational efficiencies, promote transparency and accountability,
11 and be delivered at a cost that parents, voters, and taxpayers value.

12 § 702. DEFINITIONS

13 As used in this chapter:

14 (1) “Board clerk” means the individual selected to be clerk of the board
15 of a union school district by the members of the board from among their
16 number pursuant to the provisions of sections 714 (initial members of union
17 school district board), 729 (unified union district board members), and 747
18 (union elementary and union high school district board members) of this
19 chapter.

20 (2) “District clerk” means the individual elected as clerk of a union
21 school district by the voters of the district pursuant to the provisions of

1 sections 715 (union school district organizational meeting), 735 (unified union
2 school district officers and election), and 753 (union elementary and union
3 high school district officers and election) of this chapter.

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

9 (4) “Member district” means a school district, which can be a union
10 school district, that is a member of a union elementary school district or a
11 union high school district for certain grades, prekindergarten through grade 12,
12 and is a distinct district organized to provide for the education of its resident
13 students for all other grades, whether by operating one or more schools or
14 paying tuition.

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

19 (6) “School district” means a school district organized as a town school
20 district, city school district, incorporated school district, or union school
21 district, unless clearly inapplicable.

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

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

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

9 (10) “Transitional period” means the period of time beginning on the
10 day on which a union school district becomes a legal entity pursuant to section
11 713 (certification of votes) of this chapter and continuing until its operational
12 date.

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

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

20 (13)(A) “Union school district” means a municipality formed under the
21 provisions of this chapter that is governed by a single publicly elected board

1 and that is responsible for the education of students residing in two or more
2 towns in the grades for which the district is organized by:

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

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

6 (iii) paying tuition for all grades.

7 (B) Use of the term “union school district” or “union district”
8 includes a union elementary school district, union high school district, and
9 unified union school district unless the context clearly limits it to fewer than all
10 options.

11 (14) “Weighted voting” means a system, sometimes used in the
12 “proportional to town population” model of union school district board
13 membership, set forth in subdivisions 711(d)(1), 711(e)(1), 730(a)(1),
14 748(a)(1), and 748(b)(1) of this chapter, where proportionality is achieved by
15 assigning a different number of votes to each board member.

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

17 (a) Other education laws. The provisions of this chapter are intended to be
18 in addition to the general provisions of law pertaining to schools, school
19 districts, and supervisory unions. General provisions of law shall apply to
20 union school districts unless inconsistent with or otherwise provided in this
21 chapter.

1 (b) Existing articles of agreement.

2 (1) If a union school district joins with other school districts to form a
3 new union school district pursuant to the provisions of sections 706–715
4 (process of exploration, formation, and organization of a union school district)
5 of this chapter, then the articles of agreement of the existing union school
6 district are repealed, and the articles of agreement of the new union school
7 district shall govern.

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

13 [Secs. 704–705 reserved]

14 Subchapter 2. Exploration, Formation, and Organization

15 Article 1. Process

16 § 706. PROPOSAL TO FORM STUDY COMMITTEE; BUDGET AND
17 MEMBERSHIP

18 (a) Establishment of committee. When the boards of two or more school
19 districts vote to establish a study committee to study the advisability of
20 forming a union school district or are petitioned to do so by at least five
21 percent of voters in the school district, the boards shall meet with the

1 superintendent or superintendents of each school district. With the advice of
2 the superintendent or superintendents, the boards shall establish a budget for
3 the study committee’s work and shall determine the number of persons to serve
4 on the study committee pursuant to subsection (b) of this section.

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

11 (c) Existing union school districts.

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

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

19 (B) Any warning and vote on the study committee budget pursuant to
20 section 707 of this chapter and the warning and vote on any resulting proposal

1 to form a unified union school district pursuant to section 710 shall be at the
2 member district level.

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

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

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

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

1 (2) Existing unified union school district; proposed unified union school
2 district. If the board of a unified union school district votes to participate in a
3 study committee to consider formation of a new unified union school district
4 rather than the enlargement of the existing unified union school district
5 pursuant to section 721 (joining an existing union school district) of this
6 chapter, or is petitioned by the voters to do so, then:

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

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

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

19 (3) Existing union elementary or union high school district; proposed
20 union elementary or union high school district. If the board of an existing
21 union elementary or union high school district votes to participate in a study

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Current law requires the vote to form a USD to be by
Australian ballot but is silent/does not require commingling.

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

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

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

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

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18 § 707. APPROVAL OF STUDY BUDGET; APPOINTMENT OF STUDY
19 COMMITTEE; PARTICIPATION

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

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

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

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

1 participating school district shall be appointed to the study committee. The
2 board of a school district appointing more than one person to the study
3 committee may appoint residents of the school district who are not members of
4 the board to any of the remaining seats.

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

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

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

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

1 (c) Additional costs.

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

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

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

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

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

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

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

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

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

13 (f) Formal participation in study committee.

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

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

1 (g) Additional formal participants.

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

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

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

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

18 (h) Informal participation by other school districts.

19 (1) The board of a school district that is not a formal participant in an
20 existing study committee may authorize one or more of the board's members
21 to contact the study committee to discuss whether it may be advisable to

1 include the school district within a proposal to form a new union school district
2 as an “advisable” district, as described in section 708 (necessary and advisable
3 districts) of this chapter.

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

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

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

15 § 708. STUDY COMMITTEE; NECESSARY AND ADVISABLE
16 DISTRICTS; CONTENTS OF STUDY COMMITTEE REPORT AND
17 PROPOSED ARTICLES; DISSOLUTION OF COMMITTEE

18 (a) Study committee; process.

19 (1) The superintendent shall convene a study committee’s first meeting
20 when the committee’s members are appointed. If the participating districts are
21 members of more than one supervisory union, then the superintendents shall

1 decide which of their number shall convene the meeting. The study committee
2 members shall elect a chair who shall notify the Secretary in writing of the
3 committee’s creation and the chair’s election within 30 days following the vote
4 of the committee’s creation.

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

7 (3) The Secretary shall cooperate with the study committee and is
8 authorized to make Agency staff available to provide technical assistance to
9 the committee.

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

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

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

19 (1) “Necessary” school district.

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

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

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

10 (2) “Advisable” school district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (9) Consistent with the proportional representation requirements of the
21 Equal Protection Clause of the U.S. Constitution, the method or methods of

1 apportioning representation on the union school district board as set forth in
2 subsections 711(d) (unified union school district), (e) (union elementary or
3 union high school district), and (f) (weighted voting) of this chapter.

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

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

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

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

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

20 (d) No proposal to form a union school district. If a study committee
21 determines that it is inadvisable to propose formation of a union school district,

1 then its members shall vote to dissolve the committee. If the study committee
2 members vote to dissolve, then the chair shall notify the Secretary in writing of
3 the vote.

4 (e) Dissolution of study committee.

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

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

14 § 709. REVIEW BY LOCAL SCHOOL DISTRICT BOARDS;

15 CONSIDERATION AND APPROVAL BY STATE BOARD OF
16 EDUCATION

17 (a) If a study committee determines that it is advisable to propose
18 formation of a union school district, then the committee shall transmit its report
19 and proposed articles of agreement to the school board of each school district
20 that the report identifies as either “necessary” or “advisable” to formation of
21 the proposed union school district. Each board may review the report and

1 proposed articles and may provide its comments to the study committee. The
2 study committee has sole authority to determine the contents of the report and
3 proposed articles and to decide whether to submit them to the State Board
4 under subsection (b) of this section.

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

9 (c)(1) The State Board:

10 (A) shall consider the study committee's report and proposed articles
11 of agreement and the Secretary's recommendations;

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

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

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

18 (2) If the State Board finds that formation of the proposed union school
19 district is in the best interests of the State, the students, and the school districts,
20 and aligns with the policy set forth in section 701 of this title, then it shall
21 approve the study committee's report and proposed articles of agreement,

1 together with any amendments, as the final report and proposed articles of
2 agreement, and shall give notice of its action to the study committee.

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

7 § 710. VOTE TO FORM UNION SCHOOL DISTRICT

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

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

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

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

17 (4) The opportunity for early and absentee voting pursuant to 17 V.S.A.
18 §§ 2531–2550 shall be provided.

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

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

2 DISTRICT BOARD

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

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

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

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

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

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

1 the clerk of the town served by the school district, then “town clerk” means the
2 elected clerk of that school district.

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

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

16 (B) “Town clerk” means the clerk of each town within the existing
17 unified union school district; provided, however, that the town clerk of each
18 town shall transmit the name of each duly nominated candidate to the clerk of
19 the existing unified union school district, who shall prepare the unified union
20 school district ballot for that town and transmit the ballot to the town clerk to
21 make available to the voters.

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

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

10 (i) the existing union elementary school district if the voters are
11 voting on a proposed unified union school district or a proposed union
12 elementary school district; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (C) The voters of each “necessary” school district and of each
17 “advisable” school district voting on formation of the proposed unified union
18 school district shall vote for the board members to be elected at-large under the
19 modified at-large model; provided, however, that ballots shall be included in
20 the calculation of total votes cast pursuant to the provisions of subdivision
21 714(a)(2) (calculation of votes) of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (C) The voters of each “necessary” school district and of each
17 “advisable” school district voting on formation of the proposed unified union
18 school district shall vote for the board members to be elected at-large under the
19 modified at-large model; provided, however, that ballots shall be included in
20 the calculation of total votes cast pursuant to the provisions of subdivision
21 714(a)(2) (calculation of votes) of this chapter.

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

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

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

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

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

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

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

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

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

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

1 § 712. CONTENTS OF WARNING ON VOTES TO ESTABLISH THE
2 UNION SCHOOL DISTRICT AND ELECT THE INITIAL
3 MEMBERS OF THE UNION SCHOOL DISTRICT BOARD

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

10 WARNING

11 The voters of the _____ School District are hereby notified
12 and warned to meet at _____ on the ____ day of _____, 20____, to vote by
13 Australian ballot between the hours of _____, at which time the polls will
14 open, and _____, at which time the polls will close, upon the following articles
15 of business:

16 Article I. FORMATION OF UNION SCHOOL DISTRICT

17 Shall the _____ School District, which the proposed articles
18 of agreement have identified as [“necessary” or “advisable”] to the formation
19 of the proposed union school district, join with the school district[s] of
20 _____ and _____, which are identified as
21 “necessary” to formation, and potentially the school district[s] of

1 _____ and _____, which are identified as
2 “advisable” to formation, for the purpose of forming a union school district, as
3 provided in Title 16, Vermont Statutes Annotated, upon the following
4 conditions and agreements:

5 (a) Grades. The union school district shall be organized to provide for the
6 education of resident students in grades _____ through _____ and shall assume
7 full and sole responsibility therefor on July 1, 20__.

8 (b) Operation of schools. The union school district shall operate and
9 manage one or more schools offering instruction in grades _____ through
10 _____. [Amend as necessary if the district will pay tuition for any or all grades
11 for which it is organized.]

12 (c) Union school district board. [State method by which representation of
13 each member of the union school board is to be determined pursuant to section
14 711 (vote to elect initial members) of this chapter.]

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

19 (e) Final report. The provisions of the final report and proposed articles of
20 agreement approved by the State Board of Education on the ___ day of

1 , 20 , which is on file in the office of the clerk of each school district
2 named in this warning, shall govern the union school district.

3 Article II. ELECTION OF INITIAL MEMBERS OF THE UNION
4 SCHOOL DISTRICT BOARD

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

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

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

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

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

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

1 certify the results of that vote to the Secretary of Education. The clerk shall
2 submit the certification regardless of whether the district voters approved the
3 proposed formation of a union school district.

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

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

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

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

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

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

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

1 chapter, then the total votes cast for each of the at-large candidates shall be
2 calculated as follows:

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

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

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

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

18 (1) The clerk of each forming district shall transmit the names of board
19 members elected in a manner that is proportional to town population as set
20 forth in subdivision 711(d)(1) (proposed unified union district; proportional to

1 town population) or (e)(1) (proposed union elementary or union high school
2 district; proportional to town population) of this chapter.

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

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

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

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

1 (b) Notice.

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

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

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

13 (c) Business to be transacted.

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

17 (A) Elect a temporary presiding officer and a temporary clerk of the
18 union school district from among the voters present at the organizational
19 meeting.

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

4 (C) Elect a moderator of the union school district from among the
5 voters.

6 (D) Elect a clerk of the union school district from among the voters
7 or vote to authorize the school board to appoint a clerk of the union school
8 district from among the voters.

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

13 (F) Determine the date and location of the union school district’s
14 annual meeting, which shall be not earlier than February 1 nor later than June
15 1, if not previously determined by the voter-approved articles of agreement.

16 (G) Determine whether compensation shall be paid to the moderator,
17 clerk, and treasurer of the union school district elected at the organizational
18 meeting and at subsequent annual meetings of the union school district and, if
19 so, the amount to be paid to them.

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

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

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

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

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

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

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

14 Article 2. Transition; Dissolution, Reorganization, and Discontinuation of
15 Forming Districts; Sale of Real Property; Supervisory Unions
16 and Supervisory Districts

17 § 716. TRANSITION TO FULL OPERATIONS

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

1 (b) Roles and authority during transitional period. During the transitional
2 period:

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

5 (2) The board of the new union school district shall develop school
6 district policies; adopt curriculum, educational programs, assessment
7 measures, and reporting procedures; negotiate and enter into contractual
8 agreements; negotiate and enter into collective bargaining agreements; set the
9 school calendar for the fiscal year that begins on the operational date; prepare
10 and present to the voters the proposed budget for the fiscal year that begins on
11 the operational date; prepare for the annual and any special meetings of the
12 new union school district that may occur during the transitional period; and
13 transact any other lawful business coming before it.

14 (3) During the transitional period and continuing until the voters
15 approve a budget for the initial fiscal year of operation, the board of the new
16 union school district shall have the authority to borrow sufficient funds to meet
17 pending obligations. The board shall vote whether to include the total sum
18 borrowed under this subsection as education spending in the board's proposed
19 budget for the initial fiscal year or to treat the sum as a deficit pursuant to
20 24 V.S.A. § 1523(b) (municipal and county government; duties of selectboards
21 as to a deficit).

1 (c) Assets.

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

7 (2) Transfer and acquisition of title. On or before the operational date,
8 the forming districts shall transfer and the union school district shall acquire
9 ownership of all assets of the forming districts that are owned by the forming
10 districts on or before the June 30 immediately preceding the operational date,
11 unless the voter-approved articles of agreement explicitly provide for an
12 alternative disposition of a specific asset. The transfer of an asset shall be
13 subject to all encumbrances and conditions of record, unless the voter-
14 approved articles of agreement explicitly provide otherwise.

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

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

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

10 (d) Liabilities.

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

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

20 (3) Prohibition. Notwithstanding the provisions of subdivision (2) of
21 this subsection (d), a union school district shall not assume liabilities that a

1 forming district incurs between the date on which the vote occurs pursuant to
2 section 710 (vote to form union school district) of this chapter and the
3 operational date unless explicitly authorized in the voter-approved articles of
4 agreement or approved by the union school district board during the
5 transitional period; provided, however, that a union school district shall in all
6 cases assume the contractual obligations of the member districts regarding
7 each collective bargaining agreement or other employment contract entered
8 into during the transitional period until the agreement's or contract's
9 expiration.

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

16 § 717. DISSOLUTION, REORGANIZATION, AND DISCONTINUATION
17 OF FORMING DISTRICTS

18 (a) Unified union school district; dissolution of forming districts. On its
19 operational date, a unified union school district shall supplant all forming
20 districts and the forming districts shall cease to exist; provided, however, that
21 if the voter-approved articles of agreement explicitly provide for it, then the

1 supplanted forming districts and their boards may continue to exist for up to
2 six months after the operational date for the sole purpose of completing any
3 outstanding business that cannot legally be performed by the new unified union
4 school district.

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

6 (1) Reorganization of forming districts. On its operational date, a union
7 elementary or union high school district shall supplant each forming district for
8 the grades for which the union elementary or union high school district is
9 organized (the supplanted grades). Each forming district shall cease to be
10 organized to provide for education in the supplanted grades but shall continue
11 to be responsible for the other grades for which it is organized; provided,
12 however, that if the voter-approved articles of agreement explicitly provide for
13 it, then the forming districts and their boards may continue to exist for the
14 supplanted grades for up to six months after the operational date for the sole
15 purpose of completing any outstanding business that cannot legally be
16 performed by the new union elementary or union high school district.

17 (2) Dissolution of forming districts. If a forming district is organized to
18 provide for education solely in the grades for which the new union elementary
19 or union high school district is organized and the forming district is a member
20 district of another union school district for all other grades, prekindergarten
21 through grade 12, then the forming district shall cease all educational

1 operations on the new union district’s operational date, the new union school
2 district shall assume all powers and responsibilities of the forming district, and
3 the forming district shall cease to exist; provided, however, that if the voter-
4 approved articles of agreement explicitly provide for it, then the forming
5 district and its board may continue to operate for up to six months after the
6 operational date for the sole purpose of completing any outstanding business
7 that cannot legally be performed by the new union elementary or union high
8 school district.

9 § 718. TRANSFER OF REAL PROPERTY TO TOWN IN WHICH IT IS
10 LOCATED

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

18 (1) The conveyance to the town shall be made subject to all
19 encumbrances of record, the assumption or payment of all outstanding bonds
20 and notes, and the repayment of any school construction aid or grants that may

1 be required by law if any such obligation was incurred before the operational
2 date.

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

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

10 § 719. SUPERVISORY UNION; SUPERVISORY DISTRICT

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

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

20 (c) If a supervisory union includes at least one district that is a unified
21 union school district, then the State Board, on its own initiative or at the

1 request of the board of the supervisory union or the board of one or more
2 districts in the supervisory union, may at any time, adjust the supervisory
3 union board representation required by section 266 of this title to more fairly
4 and accurately reflect the relative number of students for which each district is
5 responsible and the grades for which the district operates a school or schools.

6 [Sec. 720 reserved]

7 Article 3. Changes in Union District Membership and
8 Other Amendments to Articles of Agreement

9 § 721. JOINING AN EXISTING UNION SCHOOL DISTRICT

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

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

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

1 (3) If the voters of the interested school district approve the proposal to
2 apply to the union school district for admission, then the clerk of the interested
3 school district shall certify the results of the vote to the Secretary and to the
4 clerk of the union school district.

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

9 (b) Action initiated by union school district.

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

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

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

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

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

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

1 requirements for enlarging an existing union school district as set forth in this
2 section.

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

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

13 § 722. AMENDMENTS TO ARTICLES OF AGREEMENT

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

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

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

17 (d) Number of board members. Notwithstanding the provisions of
18 subsections (a) (union school district voters) and (b) (union school district
19 board) of this section, if membership on a union school district board is
20 proportional to town population as set forth in subdivisions 711(d)(1)
21 (proposed unified union school district) and (e)(1) (proposed union elementary

1 or union high school district) of this chapter, and if the district's articles of
2 agreement direct the board to adjust board membership when necessary to
3 conform to each new decennial census, then the board shall amend the articles
4 to adjust the apportionment of board seats without presenting the amendment
5 to the voters for approval.

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

14 (f) Process. A vote by the voters of a union school district to amend the
15 articles of agreement shall be by Australian ballot and shall proceed pursuant
16 to sections 737 (warnings of unified union school district meetings) and 739–
17 741 (vote by Australian ballot) of this chapter for unified union school districts
18 and sections 755 (warnings of union elementary and union high school district
19 meetings) and 757–759 (vote by Australian ballot) for union elementary and
20 union high school districts. The warning shall contain each proposed
21 amendment as a distinct question to be determined separately. The provisions

1 of this subsection shall not apply to any issue to the extent that a different
2 section of law provides a specific amendment procedure.

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

6 § 723. DECISION TO VOTE BY AUSTRALIAN BALLOT

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

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

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

17 (1) If the voters determine that the ballots shall not be commingled for
18 counting in this manner, then the board of civil authority of each town within
19 the union school district shall count the ballots cast in that town and report that
20 town's results to the clerk of the union school district, who shall calculate the
21 total votes cast within the district and report the total result to the public.

Commented [ESJ3]: Previously, there were two separate subsections here for UUSDs and UESD/UHSDs. The UUSD subsection required voting under this section to occur pursuant to the provisions in Subchapter 3, which required commingling. The UESD/UHSD subsection allowed for voters to determine whether to commingle or not. I combined the two subsections into one subsection, applicable to both UUSDs and UESD/UHSD, which allows voters to decide whether to commingle.

1 (2) If the voters determine that the ballots shall be commingled for
2 counting, then the ballots shall be deposited in separate ballot boxes at each
3 polling location and the provisions of sections 739–741 of this chapter shall
4 apply for unified union school districts and sections 757-759 of this chapter
5 shall apply for union elementary or union high school districts.

6 (d) The vote on whether to proceed by Australian ballot shall be taken by
7 paper ballot.

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

10 § 724. WITHDRAWAL FROM OR DISSOLUTION OF A UNIFIED
11 UNION SCHOOL DISTRICT

12 (a) Definition. As used in this section, “petitioning town” means the town
13 within a unified union school district that seeks to withdraw from the union
14 district pursuant to the provisions of this section.

15 (b) Withdrawal study committee.

16 (1) To initiate the process set forth in this section, the voters residing in
17 the petitioning town shall submit petitions to the clerk of the unified union
18 school district indicating the petitioners’ desire to withdraw the petitioning
19 town from the union district. Individual petitions shall be signed by at least
20 five percent of the voters residing in each of the towns within the union school
21 district, with each town having its own petition. The petitioners shall submit

1 each petition to that town's town clerk for verification of the voting
2 registration status of the signors. On a form created by the Secretary of State's
3 Office, and appended to each petition, shall be the names of three voters
4 residing in the petitioning town to serve on a withdrawal study committee and
5 a signed statement by each of the three named voters consenting to serve.
6 Once each petition has been verified by the subject town clerk, the petitioners
7 shall submit the petitions to the clerk of the unified union school district.

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

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

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

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

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

9 (1) the educational advantages and disadvantages likely to result from
10 the proposed withdrawal of the petitioning town from the union district:

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

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

14 (2) the educational advantages and disadvantages likely to result from
15 the continued inclusion of the petitioning town as a town within the union
16 district:

17 (A) on the students residing in the petitioning town; and

18 (B) on the students residing in the other towns within the union
19 district;

20 (3) the financial advantages and disadvantages likely to result from the
21 proposed withdrawal of the petitioning town from the union district:

- 1 (A) on the taxpayers residing in the proposed new school district; and
2 (B) on the taxpayers remaining in the union district if withdrawal is
3 approved;
4 (4) the financial advantages and disadvantages likely to result from the
5 continued inclusion of the petitioning town as a town within the union district:
6 (A) on the taxpayers residing in the petitioning town; and
7 (B) on the taxpayers residing in the other towns within the union
8 district;
9 (5) the likely operational and financial viability and sustainability of:
10 (A) the proposed new school district; and
11 (B) the union district if withdrawal is approved;
12 (6) any other advantages and disadvantages of withdrawal, including
13 any advantages and disadvantages to the students and taxpayers of the region
14 and the State; and
15 (7) the potential source of supervisory union services for the proposed
16 new school district, including discussions with the board of any supervisory
17 union to which the report of the withdrawal study committee might propose
18 assignment.
19 (d) Report, including a plan for withdrawal; decision not to prepare report.
20 (1) Report supporting withdrawal.

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

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

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

9 (I) support withdrawal; and

10 (II) do not support the continuation of the union district in its
11 current configuration;

12 (ii) the proposed financial terms of withdrawal, including the
13 proposed ownership of buildings and other assets and the proposed
14 responsibility for financial and other contractual obligations, including debts;

15 (iii) a plan, including a detailed timeline, for the actions the
16 proposed new school district would take to ensure that, on the proposed
17 operational date, it could provide for the education of its students in
18 prekindergarten through grade 12 by operating all grades, tuitioning all grades,
19 or operating some grades and tuitioning the remainder, in a manner that will
20 meet educational quality standards as required by section 165 of this title, and
21 including, if applicable, the process by which the proposed new school district

1 would explore formation of a new union school district with one or more other
2 school districts in the region and would integrate or condition any votes to
3 withdraw with votes on formation of a new union district;

4 (iv) a proposal, including analysis, for the potential source of
5 supervisory union services for the proposed new school district, including, if
6 applicable to the proposal:

7 (I) a recommendation of one or more potential supervisory
8 unions to which the State Board could assign the proposed new school district;
9 and

10 (II) a statement from the board of the potential supervisory
11 union or unions regarding the ability and willingness to accept the proposed
12 new school district as a member district.

13 (C) The union district board shall invite the members of the
14 withdrawal study committee to attend a regularly scheduled meeting of the
15 board to present the contents of its report and to answer any questions posed by
16 the board. The board shall also invite the members of the liaison
17 subcommittee to share any analysis and conclusions at the meeting. The
18 withdrawal study committee has sole authority to determine the contents of its
19 report.

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

4 (A) the withdrawal study committee shall prepare a brief written
5 statement explaining the reasons underlying the votes supporting and not
6 supporting advancement, which it shall deliver electronically to the union
7 district board and which the superintendent shall publish on the district's
8 website;

9 (B) the union district board shall invite the members of the
10 withdrawal study committee to attend a regularly scheduled meeting of the
11 board to present the contents of the written statement and to answer any
12 questions posed by the board; and

13 (C) the withdrawal study committee shall cease to exist upon
14 adjournment of the union district board's meeting.

15 (e) Secretary and State Board.

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

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

2 (A) shall consider the report or reports and the Secretary's
3 recommendations;

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

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

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

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

13 (3) State Board action.

14 (A) Advisory opinion with positive recommendation. If the State
15 Board finds that the withdrawal proposal contained in the report, including the
16 most feasible options for the provision of supervisory union services to the
17 proposed new school district, is in the best interests of the State, the region, the
18 students, and the school districts, and aligns with the policy set forth in section
19 701 of this title, then the State Board shall:

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

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

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

6 (B) Advisory opinion with negative recommendation. If the State
7 Board finds that the withdrawal proposal contained in the report, including the
8 most feasible options for the provision of supervisory union services to the
9 proposed new school district, is not in the best interests of the State, the region,
10 the students, and the school districts, or does not align with the policy set forth
11 in section 701 of this title, or both, then the State Board shall:

12 (i) issue an opinion recommending disapproval of the withdrawal
13 proposal, including a written statement detailing the reasons supporting this
14 conclusion;

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

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

20 (f) Vote of the electorate.

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

1 (A) Within 30 days after receipt of the State Board’s written
2 recommendation, the superintendent shall file the withdrawal study
3 committee’s report, the State Board’s written recommendation, and any report
4 of the liaison subcommittee with the clerk of the union district and the town
5 clerk of each town within the union district.

6 (B) Within 90 days after the clerk of the union district receiving the
7 reports and recommendations described in subdivision (A) of this subsection,
8 the voters of the union district, including those residing in the petitioning town,
9 shall vote whether to approve withdrawal as set forth in the report. The
10 question shall be determined by Australian ballot and shall proceed pursuant to
11 sections 737 (warnings of unified union school district meetings) and 739–741
12 (vote by Australian ballot) of this chapter. Ballots shall not be commingled.

13 (C) Withdrawal from the union district shall occur if the question is
14 approved by a majority vote of the union district voters living in each town
15 within the district, including the petitioning town. If a majority of the voters in
16 one or more towns within the union district do not vote in favor of withdrawal,
17 then the proposed withdrawal shall not occur.

18 (D) Within 45 days after the vote or 15 days after a vote to reconsider
19 the original vote under 17 V.S.A. § 2661, whichever is later, the clerk of each
20 town within the union district shall certify the results of the vote to the
21 Secretary of Education, and the Secretary shall advise the State Board of the

Commented [ESJ4]: Updated to reflect the deletion of § 742 (required commingling).

Commented [ESJ5]: I added this explicit reference to be clear that ballots shall not be commingled when it comes to withdrawal votes since the results need to be attributable to each town or member district within the union district to determine if the initiative has passed or failed.

1 certified results. Each clerk shall submit the certification regardless of whether
2 the voters in that town approved withdrawal. The withdrawal study committee
3 shall cease to exist when each clerk has submitted a certification to the
4 Secretary.

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

6 (A) The superintendent shall file the withdrawal study committee's
7 report, the State Board's written recommendation, and any report of the liaison
8 subcommittee with the clerk of the union district and with the town clerk of
9 each town within the union district.

10 (B) The union district voters residing in the petitioning town shall
11 vote whether to withdraw from the union district pursuant to the terms set forth
12 in the report.

13 (i) The question shall be determined by Australian ballot and shall
14 proceed pursuant to sections 737 (warnings of unified union school district
15 meetings) and 739-741 (vote by Australian ballot) of this chapter.

16 (ii) The withdrawal proposal shall proceed to a vote in each of the
17 other towns within the union district if approved by at least 60 percent of the
18 union district voters residing in the petitioning town present and voting yes or
19 no on the warned question. If this percentage is not met, then the proposed
20 withdrawal shall not occur.

Commented [ESJ6]: Updated to reflect the deletion of § 742 (required commingling).

1 (C) Within 45 days after the vote in subdivision (B) of this
2 subdivision (f)(2) or 15 days after a vote to reconsider the original vote under
3 17 V.S.A. § 2661, whichever is later, the clerk of the petitioning town shall
4 certify the results of the vote to the Secretary of State who shall record the
5 certificate and give notice of the vote to the clerk of the union district, the
6 clerks of each of the other towns within the union district, and the Secretary of
7 Education. The clerk of the petitioning town shall submit the certification
8 regardless of whether the voters in the petitioning town approved withdrawal.
9 The withdrawal study committee shall cease to exist upon submission of the
10 certification.

11 (D) If the union district voters residing in the petitioning town
12 approve the withdrawal proposal pursuant to subdivision (B) of this
13 subdivision (f)(2), then, within 90 days after receiving notice of the
14 certification as required in subdivision (C), the voters of the union district
15 residing in each of the other towns shall vote on the same day whether to
16 approve withdrawal of the petitioning town as set forth in the final report.

17 (i) The question shall be determined by Australian ballot and shall
18 proceed pursuant to sections 737 (warnings of unified union school district
19 meetings) and 739–~~741~~ (vote by Australian ballot) of this chapter. Ballots
20 shall not be commingled.

Commented [ESJ7]: Updated to reflect the deletion of § 742 (required commingling).

Commented [ESJ8]: I added this explicit reference to be clear that ballots shall not be commingled when it comes to withdrawal votes since the results need to be attributable to each town or member district within the union district to determine if the initiative has passed or failed.

1 (ii) Withdrawal from the union district shall occur if the question
2 is approved by a majority vote of the union district voters living in each of the
3 other towns within the union district. If a majority of the voters in one or more
4 towns within the union district do not vote in favor of withdrawal, then the
5 proposed withdrawal shall not occur.

6 (E) Within 45 days after the vote in subdivision (D) of this
7 subdivision (f)(2) or 15 days after a vote to reconsider the original vote under
8 17 V.S.A. § 2661, whichever is later, the clerk of each of the other towns
9 within the union district shall certify the results of the vote to the Secretary of
10 Education, and the Secretary shall advise the State Board of the certified
11 results. Each clerk shall submit the certification regardless of whether the
12 voters in that town approved withdrawal. The withdrawal study committee
13 shall cease to exist when each clerk has submitted a certification to the
14 Secretary.

15 (g) Election of potential board members. On the day on which they vote
16 whether to approve withdrawal, the union district voters residing in the
17 petitioning town shall also vote for three individual registered voters from the
18 petitioning town to serve as the initial members of the proposed new school
19 district's board if withdrawal is approved. The nomination and election of the
20 initial members shall proceed pursuant to subdivision 730(a)(1) of this chapter
21 (election of board members under the proportional to town model by

1 Australian ballot). The term of office for each initial member shall be arranged
2 so that one term expires on the day of the second annual meeting of the
3 proposed new school district, one term expires on the day of the third annual
4 meeting, and one term expires on the day of the fourth annual meeting.

5 (h) State Board's duties if withdrawal is approved. If the union district
6 voters approve withdrawal pursuant to subsection (f) of this section, then upon
7 receiving notice from the Secretary pursuant to subdivision (f)(1)(D) or
8 (f)(2)(E) of this section, the State Board shall:

9 (1) Declare the withdrawal approved as of the date of the Board's
10 meeting; provided, however, that withdrawal shall not be final until the date
11 identified in the voter-approved proposal of withdrawal.

12 (2) Declare the creation and existence of the new school district,
13 effective on the date of the Board's declaration; provided, however, that:

14 (A) the new school district shall assume full and sole responsibility
15 for the education of its resident students on the date identified in the voter-
16 approved proposal of withdrawal; and

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

19 (i) convening an organizational meeting of the voters of the new
20 school district to prepare the district to assume its responsibilities;

1 (ii) organizing the school board of the new school district, which
2 shall be responsible for preparing a proposed budget for the fiscal year
3 beginning on the identified operational date;

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

6 (iv) taking any other actions necessary, as district voters or as a
7 school board, for the new school district to assume full responsibility for
8 providing for the education of the district’s resident students in all grades,
9 prekindergarten through grade 12, on the identified operational date.

10 (3) Determine or set a schedule for determining the manner in which
11 supervisory union services will be provided to the new school district, to be
12 effective on the district’s identified operational date.

13 (A) In addition to the considerations set forth in section 261 of this
14 title, when the State Board makes its determination, it shall consider the
15 potential positive and negative consequences on all affected districts and
16 supervisory unions if supervisory union services were provided to the new
17 school district in a manner that required:

18 (i) a union district serving as its own supervisory district to
19 become a member of a multidistrict supervisory union; or

1 (ii) a neighboring supervisory union to accept one or more
2 additional districts that the supervisory union testifies it is not able to
3 accommodate.

4 (B) If assigned to a multidistrict supervisory union, then the board of
5 the new school district may appoint its members to the supervisory union
6 board pursuant to section 266 of this title, where they may participate as
7 nonvoting members of that board until the new school district’s operational
8 date.

9 (i) Certification; Secretary of State. If the State Board declares the creation
10 and existence of a new school district pursuant to subdivision (h)(2) of this
11 section, then the Secretary of Education shall certify the adjustment of the
12 towns within the union district to the Secretary of State. When the Secretary of
13 State records the certification of the Secretary of Education, the towns within
14 the union district shall be adjusted accordingly; provided, however, that the
15 voter-approved proposal of withdrawal shall establish the date on which
16 withdrawal shall be final, the new school district shall assume full and sole
17 responsibility for the education of its resident students, and the union school
18 district shall no longer have responsibility for the education of those students.
19 Not more than 14 days after the date the Secretary of Education certifies the
20 adjustment, the Secretary of State shall file a certified copy of the recorded
21 certification with the clerk of the union district and the clerk for the town in

1 which the new school district is located. Filing a certified copy with the clerks
2 shall be prima facie evidence of full compliance with the requirements for
3 adjusting the union school district by withdrawal as set forth in this section.

4 (j) Timing of action.

5 (1) The voters residing in any town within a union district shall not
6 initiate the withdrawal process set forth in this section within the first year after
7 the latter of the operational date of a newly formed union district or, if
8 applicable, the operational date of a union district adjusted pursuant to
9 subsection (i) of this section.

10 (2) If a petitioning town’s action to withdraw from a union school
11 district is unsuccessful, then the voters residing in that town shall not initiate a
12 new withdrawal action under this section until two years after either a
13 withdrawal study committee votes not to approve advancement of the
14 withdrawal process or the vote by the voters that concluded the initial
15 withdrawal action.

16 § 725. WITHDRAWAL FROM OR DISSOLUTION OF A

17 UNION ELEMENTARY OR UNION HIGH SCHOOL DISTRICT

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

19 (1) “Petitioning district” means:

1 (A) a member district of a union elementary or union high school
2 district that seeks to withdraw from the union district pursuant to the
3 provisions of this section; or

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

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

13 (b) Withdrawal study committee.

14 (1) To initiate the process set forth in this section, the board of the
15 petitioning district shall submit a petition to the clerk of the union elementary
16 or union high school district indicating its desire to withdraw the petitioning
17 district from the union district and identifying at least three board members of
18 the petitioning district who will serve on a withdrawal study committee. The
19 board of the petitioning district shall submit the petition to the clerk of the
20 union school district after either a vote by the board of the petitioning district
21 or receipt of individual petitions signed by at least five percent of the voters

1 residing in the petitioning district and five percent of the voters residing in
2 each of the other member districts within the union school district, with each
3 member district having its own petition. The clerk of the petitioning district
4 shall submit each petition to the subject member district’s clerk for verification
5 of the voting registration of the signors. Once each petition has been verified
6 by the subject district clerk, the board of the petitioning district shall append
7 the individual petitions to the withdrawal petition it sends to the clerk of the
8 union district.

9 (2) To initiate the process set forth in this section if the petitioning
10 district does not have a town school district board, the voters residing in the
11 petitioning district shall submit petitions to the clerk of the unified union
12 school district indicating the petitioners’ desire to withdraw the petitioning
13 district from the union district. Individual petitions shall be signed by at least
14 five percent of the voters residing in the petitioning district and five percent of
15 the voters residing in each of the member districts within the union school
16 district, with each district having its own petition. The petitioning district shall
17 submit each petition to that district’s clerk for verification of the voting
18 registration status of the signors. On a form created by the Secretary of State’s
19 Office, and appended to each petition, shall be the names of three voters
20 residing in the petitioning district to serve on a withdrawal study committee
21 and a signed statement by each of the three named voters consenting to serve.

1 Once each petition has been verified by the subject district clerk, the
2 petitioning district shall submit the petitions to the clerk of the union school
3 district.

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

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

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

18 (6) The withdrawal study committee is a public body pursuant to
19 1 V.S.A. § 310(4) and is subject to the requirements of chapter 5, subchapter 2
20 of that title.

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

6 (1) the educational advantages and disadvantages likely to result from
7 the proposed withdrawal of the petitioning district from the union elementary
8 or union high school district:

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

10 (B) on the students remaining in the union district if withdrawal is
11 approved;

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

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

16 (B) on the students residing in the other member districts of the union
17 district;

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

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

- 1 (B) on the taxpayers remaining in the union district if withdrawal is
2 approved;
- 3 (4) the financial advantages and disadvantages likely to result from the
4 continued inclusion of the petitioning district within the union elementary or
5 union high school district;
- 6 (A) on the taxpayers residing in the petitioning district; and
7 (B) on the taxpayers residing in the other member districts within the
8 union district;
- 9 (5) the likely operational and financial viability and sustainability of:
10 (A) the proposed new school district; and
11 (B) the union elementary or union high school district if withdrawal
12 is approved;
- 13 (6) any other advantages and disadvantages of withdrawal, including
14 any advantages and disadvantages to the students and taxpayers of the region
15 and the State; and
- 16 (7) the potential source of supervisory union services for the proposed
17 new district, including discussions with the board of any supervisory union to
18 which the report of the withdrawal study committee might propose assignment
19 or the continuation of assignment.
- 20 (d) Report, including a plan for withdrawal; decision not to prepare report.
21 (1) Report supporting withdrawal.

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

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

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

9 (I) support withdrawal; and

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

12 (ii) the proposed financial terms of withdrawal, including the
13 proposed ownership of buildings and other assets and the proposed
14 responsibility for financial and other contractual obligations, including debts;

15 (iii) a plan, including a detailed timeline, for the actions the
16 proposed new school district would take to ensure that, on the proposed
17 operational date, it could provide for the education of its students in the grades
18 for which the union elementary or union high school district is organized, in a
19 manner that will meet educational quality standards as required by section 165
20 of this title, and including, if applicable, the process by which the proposed
21 new school district would explore formation of a new union district with one or

1 more other school districts in the region and would integrate or condition any
2 votes to withdraw with votes on formation of a new union district;

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

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

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

15 (A) the withdrawal study committee shall prepare a brief written
16 statement explaining the reasons underlying the votes supporting and not
17 supporting advancement, which it shall deliver electronically to the union
18 district board and which the superintendent shall publish on the district's
19 website;

20 (B) the union elementary or union high school district board shall
21 invite the members of the withdrawal study committee to attend a regularly

1 scheduled meeting of the board to present the contents of the written statement
2 and to answer any questions posed by the board; and

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

6 (e) Secretary and State Board.

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

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

13 (A) shall consider the report or reports and the Secretary's
14 recommendations;

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

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

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

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

3 (3) State Board action.

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

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

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

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

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

1 (i) issue an opinion recommending disapproval of the withdrawal
2 proposal, including a written statement detailing the reasons supporting this
3 conclusion;

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

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

9 (f) Vote of the electorate.

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

11 (A) Within 30 days after receipt of the State Board’s written
12 recommendation, the superintendent shall file the withdrawal study
13 committee’s report, the State Board’s written recommendation, and any report
14 of the liaison subcommittee with the clerk of the union elementary or union
15 high school district and the district clerk of each of the member districts within
16 the union elementary or union high school district.

17 (B) Within 90 days after the clerk of the union district receiving the
18 reports and recommendations described in subdivision (A) of this subsection,
19 the voters of the union elementary or union high school district, including
20 those residing in the petitioning district, shall vote whether to approve
21 withdrawal as set forth in the report. The question shall be determined by

1 Australian ballot and shall proceed pursuant to sections 755 (warnings of union
2 elementary and union high school district meetings) and 757–759 (vote by
3 Australian ballot) of this chapter. Ballots shall not be commingled.

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

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

19 (E) If the petitioning district or one of the other member districts does
20 not have a town school district board, the legislative body or appropriate
21 officer of the town shall perform electoral functions, including warning

Commented [ESJ9]: I added this explicit reference to be clear that ballots shall not be commingled when it comes to withdrawal votes since the results need to be attributable to each town or member district within the union district to determine if the initiative has passed or failed.

1 meetings and conducting the voting process, ordinarily performed by and in
2 member districts on behalf of a union school district.

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

4 (A) The superintendent shall file the withdrawal study committee's
5 report, the State Board's written recommendation, and any report of the liaison
6 subcommittee with the clerk of the union elementary or union high school
7 district and the district clerk of each of the member districts within the union
8 elementary or union high school district.

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

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

16 (ii) The withdrawal proposal shall proceed to a vote in each of the
17 other member districts within the union elementary or union high school
18 district if approved by at least 60 percent of the union district voters residing in
19 the petitioning district present and voting yes or no on the warned question. If
20 this percentage is not met, then the proposed withdrawal shall not occur.

1 (C) Within 45 days after the vote in subdivision (B) of this
2 subdivision (f)(2) or 15 days after a vote to reconsider the original vote under
3 17 V.S.A. § 2661, whichever is later, the clerk of the petitioning district shall
4 certify the results of the vote to the Secretary of State who shall record the
5 certificate and give notice of the vote to the clerk of the union elementary or
6 union high district, the clerks of each of the other member districts within the
7 union district, and the Secretary of Education. The clerk of the petitioning
8 district shall submit the certification regardless of whether the voters in the
9 petitioning district approved withdrawal. The withdrawal study committee
10 shall cease to exist upon submission of the certification.

11 (D) If the union elementary or union high school district voters
12 residing in the petitioning district approve the withdrawal proposal pursuant to
13 subdivision (B) of this subdivision (f)(2), then, within 90 days after receiving
14 notice of the certification as required in subdivision (C) of this subdivision
15 (f)(2), the voters of the union elementary or union high school district residing
16 in each of the other member districts shall vote on the same day whether to
17 approve withdrawal of the petitioning district as set forth in the final report.

18 (i) The question shall be determined by Australian ballot and shall
19 proceed pursuant to sections 755 (warnings of union elementary and union
20 high school district meetings) and 757–759 (vote by Australian ballot) of this
21 chapter. Ballots shall not be commingled.

Commented [ESJ10]: I added this explicit reference to be clear that ballots shall not be commingled when it comes to withdrawal votes since the results need to be attributable to each town or member district within the union district to determine if the initiative has passed or failed.

1 (ii) Withdrawal from the union elementary or union high school
2 district shall occur if the question is approved by a majority vote of the union
3 district voters living in each of the other member districts within the union
4 elementary or union high school district. If a majority of the voters living in
5 one or more member districts within the union district do not vote in favor of
6 withdrawal, then the proposed withdrawal shall not occur.

7 (E) Within 45 days after the vote in subdivision (D) of this
8 subdivision (f)(2) or 15 days after a vote to reconsider the original vote under
9 17 V.S.A. § 2661, whichever is later, the clerk of each of the other member
10 districts within the union elementary or union high school district shall certify
11 the results of the vote to the Secretary of Education, and the Secretary shall
12 advise the State Board of the certified results. Each clerk shall submit the
13 certification regardless of whether the voters in that member district approved
14 withdrawal. The withdrawal study committee shall cease to exist when each
15 clerk has submitted a certification to the Secretary.

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

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

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

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

20 (2) declare it to be the obligation of the new school district to assume
21 responsibility for the education of its residents in the grades for which the

1 union elementary or union high school district was previously responsible,

2 effective on the date of the Board’s declaration; provided, however, that:

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

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

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

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

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

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

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

20 (vi) taking any other actions necessary, as district voters or as a
21 school board, for the new school district to assume full responsibility for

1 providing for the education of the district’s resident students in the grades it is
2 now organized to provide for, on the identified operational date; and

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

5 (i) Certification; Secretary of State. If the State Board declares it to be the
6 obligation of the new school district pursuant to subdivision (h)(2) of this
7 section to provide for the education of resident students who were formerly the
8 responsibility of the union elementary or union high school district, then the
9 Secretary of Education shall certify the adjustment of the member districts
10 within the union elementary or union high school district to the Secretary of
11 State. When the Secretary of State records the certification of the Secretary of
12 Education, the member districts within the union elementary or union high
13 school district shall be adjusted accordingly; provided, however, that the voter-
14 approved proposal of withdrawal shall establish the date on which withdrawal
15 shall be final, the new school district shall assume full and sole responsibility
16 for the education of its residents in the grades for which it is now organized,
17 and the union school district shall no longer have responsibility for the
18 education of those students. Not more than 14 days after the date the Secretary
19 of Education certifies the adjustment, the Secretary of State shall file a certified
20 copy of the recorded certification with the clerk of the union elementary or
21 union school district and the clerk for new school district. Filing a certified

1 copy with the clerks shall be prima facie evidence of full compliance with the
2 requirements for adjusting the union school district by withdrawal as set forth
3 in this section.

4 (j) Timing of action.

5 (1) The voters residing in any member district within a union elementary
6 or union high school district shall not initiate the withdrawal process set forth
7 in this section within the first year after the latter of the operational date of a
8 newly formed union elementary or union high school district or, if applicable,
9 the operational date of a union elementary or union high school district
10 adjusted pursuant to subsection (h) of this section.

11 (2) If a petitioning district's action to withdraw from a union elementary
12 or union high school district is unsuccessful, then the voters residing in that
13 member district shall not initiate a new withdrawal action under this section
14 until two years after either a withdrawal study committee votes not to approve
15 advancement of the withdrawal process or the vote by the voters that
16 concluded the initial withdrawal action.

17 Subchapter 3. Unified Union School Districts

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

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

20 QUORUM AND VOTING; POWERS AND DUTIES

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

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

8 (2) assume office upon election, except as provided in subdivision
9 737(f)(3) (warnings of unified union school district meetings) of this chapter;
10 and

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

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

16 (c) Quorum. A majority of the members of the board shall constitute a
17 quorum. Subject to the provisions of subsection (d) of this section but
18 notwithstanding any other provision of law, the concurrence of a majority of
19 members present at a unified union school district board meeting shall be
20 necessary and sufficient for board action; provided, however, the concurrence

1 of more than a majority shall be necessary if required for a particular action by
2 the voter-approved articles of agreement.

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

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

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

18 (g) Minutes. The board clerk shall prepare minutes of the proceedings of
19 the unified union school district board, unless the board votes to delegate those
20 duties to another individual. The board clerk shall transmit the minutes and all
21 other documents constituting the record of board proceedings to the clerk of

1 the unified union school district, who shall be responsible for maintaining a
2 permanent record of board proceedings. In the board clerk’s absence, another
3 member of the school board shall assume the duties of the clerk.

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

5 § 730. UNIFIED UNION SCHOOL DISTRICT BOARD MEMBERS;

6 NOMINATION AND ELECTION; BOND

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

10 (1) Proportional to town population.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (3) At-large representation.

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

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

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

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

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

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

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

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

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

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

16 (1) The nomination and election of candidates for the office of unified
17 union school district board member shall occur at a warned meeting of the
18 unified union school district; provided, however, if the district elects board
19 members under the “proportional to town population” model, then the
20 nomination and election of candidates shall occur at an annual or special

1 meeting of the town in which the candidate resides, warned for the purpose
2 pursuant to subsection 737(f) of this chapter.

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

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

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

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

14 § 731. VACANCY ON UNIFIED UNION SCHOOL DISTRICT BOARD

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

19 (1) Proportional to town population. If the vacancy is for a seat where
20 membership is apportioned to a town within the unified union school district in
21 a number that is closely proportional to the town’s relative population and only

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

7 (2) Modified at-large model: allocation to town; at-large representation.
8 If the vacancy is for a seat where membership is allocated to a town within the
9 unified union school district in a number that is not closely proportional to
10 each town's relative population and the board member is elected at large, then
11 the district clerk shall notify the selectboard of the town not later than five days
12 after learning of the vacancy. Within 30 days after providing notice and after
13 consultation with the selectboard, the unified union school district board shall
14 appoint an eligible person to fill the vacancy until the voters elect a successor
15 at an annual or special meeting.

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

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

3 (b) Notification. Within 10 days after the appointment of a board member
4 pursuant to this section, the district clerk of the unified union school district
5 shall transmit the name of the appointed board member to the Secretary of
6 State.

7 (c) Obligations and expenses.

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

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

1 § 732. UNIFIED UNION SCHOOL DISTRICT BUDGET; PREPARATION
2 AND AUTHORIZATION

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

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

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

16 § 733. ANNUAL REPORT; DATA

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

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

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

6 [Sec. 734 reserved]

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

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

10 (a) Officers. At an annual meeting of the unified union school district, the
11 voters shall elect a moderator from among the registered voters of the district.

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

18 (b) Election if by Australian ballot. If an officer is elected by Australian
19 ballot in a unified union school district, then the provisions of subdivision
20 730(a)(3) for election by Australian ballot of at-large candidates for the unified
21 union school district board shall apply.

Commented [ESJ11]: Previously, this section required ballots to be commingled. I removed that subsection.

1 (c) Terms.

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

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

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

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

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

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

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

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

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

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

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

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

4 § 737. WARNINGS OF UNIFIED UNION SCHOOL DISTRICT

5 MEETINGS

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

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

20 (c) The warning shall, by separate articles, specifically indicate the
21 business to be transacted, to include the offices and the questions upon which

1 the electorate shall vote. The warning shall also contain any article or articles
2 requested by a petition signed by at least five percent of the voters of the
3 district and filed with the district clerk pursuant to 17 V.S.A. § 2642 (town
4 meetings and local elections; warning and notice contents).

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

9 (e) The warning shall be recorded in the office of the district clerk and shall
10 be provided to the town clerk of each town in the unified union school district
11 before being posted.

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

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

16 (A) The district clerk shall transmit the signed warning to each town
17 clerk.

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

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

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

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

Commented [ESJ12]: This update has nothing to do with commingling, it was just an errant reference (section instead of chapter) that I fixed.

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

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

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

17 § 738. CHECKLIST FOR UNION DISTRICT MEETINGS WHERE

18 VOTING IS CONDUCTED FROM THE FLOOR

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

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

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

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

10 (d) The provisions of this section shall apply to all votes of the electorate in
11 a unified union school district that do not proceed by Australian ballot;
12 provided, however:

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

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

18 § 739. CONDUCT OF VOTE IF BY AUSTRALIAN BALLOT

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

Commented [ESJ13]: This language was added to the UUSD subchapter, based on language in the UESD/UHSD subchapter. Previously, since commingling was required in UUSDs, there was no need to mention that floor votes shall be commingled. I added this language to clarify that when voting is from the floor, it shall be commingled unless one of the exceptions applies. Subdivision (c)(2) was already in this section. The requirements for UUSDs now matches the requirements for UESD/UHSD.

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

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

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

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

10 § 740. PREPARATION AND FORM OF AUSTRALIAN BALLOT

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

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

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

19 § 741. COUNTING AND REPORTING RESULTS OF VOTE BY

20 AUSTRALIAN BALLOT

Commented [ESJ14]: This section has been updated to allow the voters to decide whether to commingle. The language is from the corresponding section in the UESD/UHSD subchapter, which already allowed for voters to decide. There are provisions for both commingling and not commingling.

I also deleted § 742 in its entirety because it required commingling of votes in a UUSD.

1 (a) Process if commingled before counting. If the voters have approved
2 commingling votes cast by Australian ballot before counting them for any or
3 all categories of public questions, including elections and budget votes, or if
4 Vermont law requires commingling before counting, then the following
5 process applies to those votes except to the extent that Vermont law explicitly
6 requires a different process for a specific type of public question.

7 (1) At least two members of the board of civil authority of each town
8 within a unified union school district, or two election officials appointed by the
9 board of civil authority of that town, shall transport ballots cast in the town in a
10 sealed container to a central location designated by the district clerk.

11 (2) The boards of civil authority shall not count the ballots for purposes
12 of determining the outcome of the votes cast in the member district prior to
13 transporting them but may open the containers and count the total number of
14 ballots cast at that polling location.

15 (3) The district clerk or designee shall supervise representatives of the
16 boards of civil authority, identified in subdivision (1) of this subsection, to
17 count ballots at the central location. The district clerk shall also have the
18 authority to appoint current unified union school district board members who
19 are not on the ballot to aid in the counting of ballots

20 (4) The ballots shall be counted as soon as possible, but not later than
21 24 hours after the time at which the polls closed.

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

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

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

11 (8) The union district clerk shall report the commingled results of votes
12 cast within the unified union school district to the public.

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

19 (1) The board of civil authority of each town within unified union
20 school district shall count Australian ballots cast in the town and report the
21 results to the clerk of the union district.

1 (2) The clerk of the union district shall calculate total votes cast within
2 the union district except when Vermont law explicitly requires approval by the
3 voters in one town within the union district or by the voters in each town
4 separately.

5 (3) The union district shall report to the public the results of total votes
6 cast; provided, however, that both the union district clerk and the clerk of each
7 town within the union district shall report the results of ballots cast to elect a
8 union school district board member where membership on the board is
9 apportioned based on town population pursuant to subdivision 730(a)(1) of this
10 chapter.

11 § 742. BOND ISSUES; DEBT LIMIT

12 (a) A unified union school district may make improvements, as defined by
13 24 V.S.A. § 1751 (municipal and county government; indebtedness
14 definitions), and may incur indebtedness for improvements as provided in
15 24 V.S.A. chapter 53, subchapter 1 (municipal and county government;
16 indebtedness generally).

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

Commented [ESJ15]: This section has been changed from § 743 to § 742 after the deletion of the previous commingling section. There are no cross reference issues.

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

3 (c) Bond issues under this section shall be determined by Australian ballot
4 and shall proceed pursuant to sections 737 (warnings of unified union school
5 district meetings) and 739–741 (vote by Australian ballot) of this subchapter.

6 The ballots shall be commingled before counting.

7 [Secs. 743 & 744 reserved]

8 Subchapter 4. Union Elementary School Districts and

9 Union High School Districts

10 § 745. DEFINITIONS

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

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

18 (2) Town clerk.

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

Commented [ESJ16]: Commingling for voting on bonds is required under current law so I kept it in this amendment.

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

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

7 [Sec. 746 reserved]

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

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

11 QUORUM AND VOTING; POWERS AND DUTIES

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

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

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

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

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

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

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

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

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

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

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

18 § 748. UNION ELEMENTARY AND UNION HIGH SCHOOL DISTRICT
19 BOARD MEMBERS; NOMINATION AND ELECTION; BOND

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

4 (1) Proportional to town population.

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

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

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

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

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

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

20 (B) After confirming that the names on the petition correspond to
21 registered voters of the member district, the town clerk shall transmit the name

1 of each duly nominated candidate to the clerk of the union elementary or union
2 high school district.

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

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

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

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

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

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

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

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

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

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

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

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

20 (3) At-large representation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 § 749. VACANCY ON UNION ELEMENTARY OR UNION HIGH
15 SCHOOL DISTRICT BOARD

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

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

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

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

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

13 (4) No board of member district. For purposes of subdivisions (1)
14 (proportional to town population) and (2) (modified at-large) of this subsection
15 (a), if the member district is also a union school district and any related town
16 school district has discontinued operations pursuant to subdivision 717(b)(2)
17 (discontinuation of forming districts in union elementary and union high
18 school districts) of this chapter and has no board, then the clerk of the union
19 elementary or union high school district shall notify the selectboard of the
20 pertinent town not later than five days after learning of the vacancy. Within
21 30 days after providing notice and after consultation with the selectboard, the

1 union elementary or union high school district board shall appoint a person
2 who is otherwise eligible to serve as a member of the union elementary or
3 union high school district board to fill the vacancy until the voters elect a
4 successor at an annual or special meeting pursuant to the provisions of section
5 748 (union elementary and union high school district board members) of this
6 chapter.

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

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

13 (c) Obligations and expenses.

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

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

1 draw orders for payment of continuing obligations and necessary expenses
2 until a majority of the vacancies are filled.

3 § 750. UNION ELEMENTARY OR UNION HIGH SCHOOL DISTRICT
4 BUDGET; PREPARATION AND AUTHORIZATION

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

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

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

19 § 751. ANNUAL REPORT; DATA

20 (a) The board of a union elementary or union high school district shall
21 prepare an annual report concerning the affairs of the district and have it

1 printed and distributed to the voters of the district pursuant to the provisions of
2 subdivision 563(10) (powers of school boards; report) of this title. The board
3 shall file the report with the union district clerk and the clerk of each member
4 district.

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

8 [Sec. 752 reserved]

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

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

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

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

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

4 (c) Terms.

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

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

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

19 (d) Vacancy. The board of the union elementary or union high school
20 district shall fill a vacancy in any office elected or appointed pursuant to this
21 section as soon as practicable after the vacancy occurs. The appointee shall

1 serve upon appointment for the remainder of the unexpired term of office or
2 until the voters elect a successor.

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

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

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

11 § 754. OFFICERS; POWERS, DUTIES, AND LIABILITIES

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

18 (b) Clerk. The powers, duties, and liabilities of the clerk of a union
19 elementary or union high school district shall be the same as those of a clerk of
20 a town school district. The district clerk shall keep a record of the votes and

1 the proceedings of the union school district meetings and shall provide
2 certified copies of them when requested.

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

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

9 § 755. WARNINGS OF UNION ELEMENTARY AND UNION HIGH
10 SCHOOL DISTRICT MEETINGS

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

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

1 five days before the meeting. In the district clerk’s absence, the chair of the
2 board or the chair’s designee shall warn the meeting pursuant to the provisions
3 of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

6 § 756. UNION DISTRICT MEETINGS CONDUCTED FROM THE FLOOR

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

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

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

Commented [ESJ17]: This requires commingling of votes cast from the floor, which makes sense to me. I kept this in and it also appears in the UUSD section.

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

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

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

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

1 § 757. CONDUCT OF VOTE IF BY AUSTRALIAN BALLOT

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

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

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

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

10 (4) The opportunity for early and absentee voting pursuant to 17 V.S.A.
11 §§ 2531–2550 (conduct of elections; early or absentee voters) shall be
12 provided.

13 § 758. PREPARATION AND FORM OF AUSTRALIAN BALLOT

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

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

20 (c) Warned questions of the union elementary or union high school district
21 shall not appear on the same ballot as questions warned by a member district of

1 the union elementary or union high school district or by the legislative body of
2 a town within the union elementary or union high school district.

3 § 759. COUNTING AND REPORTING RESULTS OF VOTE BY

4 AUSTRALIAN BALLOT

5 (a) Process if commingled before counting. If the voters have approved
6 commingling votes cast by Australian ballot before counting them for any or
7 all categories of public questions, including elections and budget votes, or if
8 Vermont law requires commingling before counting, then the following
9 process applies to those votes except to the extent that Vermont law explicitly
10 requires a different process for a specific type of public question.

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

16 (2) The boards of civil authority shall not count the ballots for purposes
17 of determining the outcome of the votes cast in the member district prior to
18 transporting them but may open the containers and count the total number of
19 ballots cast at that polling location.

20 (3) The union elementary or union high school district clerk or designee
21 shall supervise representatives of the boards of civil authority to count ballots

1 at the central location. The union elementary or union high school district
2 clerk shall also have the authority to appoint current union elementary or union
3 high school district board members who are not on the ballot to aid in the
4 counting of ballots

5 (4) The ballots shall be counted as soon as possible, but not later than
6 24 hours after the time at which the polls closed.

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

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

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

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

19 (b) Process if not commingled. If the voters have not approved the
20 commingling of votes cast by Australian ballot for budgets, elections, or any
21 other category of public question, and if Vermont law does not require

1 commingling, then the following process applies to those votes except to the
2 extent that Vermont law explicitly requires a different process for a specific
3 type of public question.

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

7 (2) The clerk of the union district shall calculate total votes cast within
8 the union district **except when Vermont law explicitly requires** approval by the
9 voters in one member district or by the voters in each member district
10 separately.

11 (3) The union district shall report to the public the results of total votes
12 cast; provided, however, that both the union district clerk and the clerk of each
13 member school district shall report the results of ballots cast to elect a union
14 school district board member where membership on the board is apportioned
15 based on town population pursuant to subdivision 748(a)(1) of this chapter.

16 § 760. BOND ISSUES; DEBT LIMIT

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

20 (b) The debt limit of the union elementary or union high school district
21 shall be 10 times the total of the education grand lists of the member districts

1 of the union school district. The existing indebtedness of a union elementary
2 or union high school district incurred to finance any project approved under
3 sections 3447 to 3456 of this title shall not be considered a part of the
4 indebtedness of the union elementary or union high school district for purposes
5 of determining its debt limit for a new proposed bond issue. An obligation
6 incurred by a union elementary or union high school district pursuant to this
7 chapter shall be the joint and several obligation of the union school district and
8 each of its member districts. Any joint or several obligation incurred by a
9 member district pursuant to this subsection shall not be considered in
10 determining the debt limit for the separate purposes of the member district.

11 (c) Bond issues under this section shall be determined by Australian ballot
12 and shall proceed pursuant to sections 755 (warnings of union elementary
13 school district and union high school district meetings) and 757–759 (vote by
14 Australian ballot) of this subchapter. Ballots shall be commingled before
15 counting.

Commented [ESJ18]: Current law requires commingling of bond votes so I kept it in this amendment. The requirement for UUSDs and UESD/UHSD is the same.

16 [Secs. 761–762 reserved]

17 Subchapter 5. Districts Formed Pursuant to Prior Laws

18 § 763. RATIFICATION; ARTICLES OF AGREEMENT; APPLICATION
19 OF CHAPTER

20 (a) Each union school district in existence on July 1, 2022, is ratified and
21 subject to the provisions of this chapter 11, regardless of whether the district

1 was formed by an affirmative vote of the electorate or by the State Board as
2 part of its “Final Report of Decisions and Order on Statewide School District
3 Merger Decisions Pursuant to [2015 Acts and Resolves No.] 46, Sections 8(b)
4 and 10” dated November 28, 2018 (the Order).

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

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

14 § 764. SECRETARY OF STATE; RECORDING CERTIFICATES

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

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

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

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

9 (a) Application of this section. This section shall apply solely to a
10 withdrawal action initiated pursuant to the provisions of 16 V.S.A. § 724 that
11 were in effect prior to the effective date of Sec. 3 of this act (former 16 V.S.A
12 § 724), if each of the following actions occurred prior to that effective date:

13 (1) the State Board of Education gave final approval to the voter-
14 approved and voter-ratified proposal to withdraw from the union school
15 district;

16 (2) the State Board declared a new school district to be reconstituted;

17 (3) the State Board established the new school district's operational date
18 as July 1, 2023 or after;

19 (4) the voters of the new school district elected school board members;

1 (5) the voters of the towns within the union district voted to approve the
2 financial terms of withdrawal negotiated by the boards of the new school
3 district and the union district; and

4 (6) the State Board charged the new school district and its board with
5 performing the transitional activities necessary to assume sole responsibility
6 for the education of resident students on the identified operational date.

7 (b) Status report. On or before the regular July 2022 State Board meeting,
8 the new school district shall submit a written status report to the Board
9 detailing the actions the district has taken and will take to ensure that, as of its
10 operational date, the district will be prepared to assume sole responsibility for
11 the education of its students in prekindergarten through grade 12 in a manner
12 that will meet educational quality standards as required by 16 V.S.A. § 165 and
13 to ensure the provision of supervisory union services. The status report shall
14 include a timeline indicating the date by which each action shall be complete.

15 (c) State Board review and findings.

16 (1) Review. The State Board shall consider the status report and provide
17 the board of the new school district an opportunity to be heard. The Board
18 may, in its discretion, take testimony from other individuals and entities,
19 including the union school district and the Agency of Education.

20 (2) Preparedness deemed likely. If the State Board determines that it is
21 likely the new school district will be prepared, on the identified operational

1 date, to assume full responsibility for the education of its resident students in a
2 manner that substantially complies with educational quality standards as
3 required by 16 V.S.A. § 165, and to ensure the provision of supervisory union
4 services, then the new school district, the union district, and, if applicable, the
5 supervisory union or unions shall continue to take all actions necessary to
6 prepare for the realignment of duties on the operational date.

7 (3) Preparedness deemed unlikely.

8 (A) If the State Board determines there is a reasonable risk that the
9 new district will not be able to be prepared, on the operational date, to assume
10 full responsibility for the education of its resident students in a manner that
11 substantially complies with educational quality standards as required by
12 16 V.S.A. § 165, and to ensure the provision of supervisory union services,
13 then the Board shall issue a written advisory statement detailing the factors
14 underlying its conclusion, which it shall post on its website and transmit
15 electronically to the board of the new school district.

16 (B) Upon receipt of an advisory opinion pursuant to subdivision
17 (c)(3)(A) of this section, the board of the new school district shall post the
18 document on its website and schedule the contents as a topic for public
19 discussion at a special or regular board meeting.

20 (C) Prior to the operational date and after public discussion and any
21 board deliberations:

1 (i) The board of the new school district may continue to take all
2 actions necessary to prepare for the realignment of duties on the operational
3 date.

4 (ii) On its own motion, or if petitioned to do so by at least five
5 percent of the voters in the new school district, the board of the new school
6 district shall warn a vote to request the State Board to reverse its declaration
7 approving withdrawal and reconstituting the new school district. The vote
8 shall be held before the October 1 prior to the operational date.

9 (I) The question shall be decided by Australian ballot.

10 (II) Within 45 days after the vote or 15 days after a vote to
11 reconsider under 17 V.S.A. § 2661, whichever is later, the clerk of the new
12 school district shall certify the results of the vote to the Secretary of State who
13 shall record the certificate and give notice of the vote to the clerk of the union
14 district, the clerks of each of the other towns within the union district, and the
15 Secretary of Education. The clerk of the new school district shall submit the
16 certification regardless of whether the voters in the district voted to petition the
17 State Board to reverse its declarations.

18 (D) If the new school district requests the State Board to take action
19 under subdivision (C) of this subsection (c), then:

20 (i) the State Board shall reverse and void earlier declarations
21 approving withdrawal and reconstituting the new school district and the

1 withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is

2 concluded; and

3 (ii) the union school district shall continue to be solely responsible
4 for the education of the students residing in the town that petitioned for
5 withdrawal; provided, however:

6 (I) the new school district and its board shall continue to exist
7 for up to six months after the day on which the State Board reverses and voids
8 its earlier declarations for the sole purpose of completing any outstanding
9 business that cannot legally be performed by another entity; and

10 (II) the State Board may make any declarations and take any
11 actions, including recording certifications with the Secretary of State, that are
12 necessary to support the consequences outlined in this subdivision (c)(3)(D).

13 (d) Repeal. This section is repealed on July 1, 2023.

14 Sec. 5. WITHDRAWAL PROPOSALS ON WHICH THE STATE BOARD

15 HAS NOT TAKEN ACTION; ALTERNATIVE GOVERNANCE

16 PROPOSAL PREVIOUSLY PRESENTED

17 (a) Application of this section.

18 (1) For purposes of this section and notwithstanding any provision of
19 law to the contrary, the provisions of 16 V.S.A. § 724 that were in effect prior
20 to the effective date of Sec. 3 of this act (former 16 V.S.A. § 724) are deemed
21 to authorize withdrawal from a unified union school district created by the

1 State Board of Education in its “Final Report of Decisions and Order on
2 Statewide School District Merger Decisions Pursuant to Act 46, Secs. 8(b) and
3 10” dated November 28, 2018 (Order).

4 (2) This section shall apply solely to a withdrawal action initiated by a
5 town within a union district (petitioning town) pursuant to the former
6 16 V.S.A. § 724 if each of the following actions occurred prior to the effective
7 date of Sec. 3 of this act:

8 (A) the State Board created the union district in its Order;

9 (B) prior to issuance of the Order, the districts that merged to form
10 the union district submitted a proposal to the Secretary of Education and the
11 State Board setting forth the details of their self-evaluation and a proposal for
12 an alternative governance structure pursuant to 2015 Acts and Resolves
13 No. 46, Sec. 9 (Section 9 proposal);

14 (C) the voters of the petitioning town approved a proposal to
15 withdraw from the union district;

16 (D) the voters of each of the other towns within the union district
17 ratified the petitioning town’s proposal to withdraw; and

18 (E) the State Board of Education has not approved or taken action to
19 approve the withdrawal proposal or to declare that a new school district is
20 reconstituted.

1 (b) Report and plan. At any time after the effective date of this section, but
2 on or before the regular September 2022 State Board meeting, the self-selected
3 representatives of the petitioning town and the board of the union district shall
4 submit to the State Board in writing:

5 (1) A report explaining the ways in which the current plan of the
6 petitioning town and the union district for operation after withdrawal conforms
7 to or differs from the Section 9 proposal.

8 (2) A plan, including a timeline, identifying the actions the petitioning
9 town and the union district have taken and will take to transition to the
10 proposed structure and to ensure that, as of an identified operational date, the
11 proposed new school district will be prepared to assume sole responsibility for
12 the education of its students in prekindergarten through grade 12 in a manner
13 that will meet educational quality standards as required by 16 V.S.A. § 165,
14 including the actions necessary to transition to the proposed method by which
15 supervisory union services would be provided. At a minimum, the plan and
16 timeline should include the actions identified in subsection (d) of this section.

17 (c) State Board review and action.

18 (1) Review. The State Board shall consider the report and plan and shall
19 provide the self-selected representatives of the petitioning town and the board
20 of the union district an opportunity to be heard. The Board may, in its
21 discretion, take testimony from other individuals and entities.

1 (2) Preparedness determination and vote to approve withdrawal. The
2 State Board shall determine if it is likely or unlikely the proposed new school
3 district, on the proposed operational date, will be prepared to assume full
4 responsibility for the education of its resident students in a manner that
5 substantially complies with educational quality standards as required by
6 16 V.S.A. § 165 and also whether it is likely or unlikely that supervisory union
7 services will be available to both the proposed new school district and the
8 union district on the operational date. If the State Board determines
9 preparedness is unlikely, it shall issue a written advisory statement detailing
10 the factors underlying its conclusion, which shall be posted on its website.

11 Upon making its preparedness determination, the State Board shall vote to:

12 (A) approve the withdrawal proposal;

13 (B) approve any motion necessary for the withdrawal process to
14 proceed pursuant to subsection (d) of this section, including a motion to create
15 a new school district as of the date of the motion in order to enable the election
16 of members to the board of the proposed new school district, negotiation and
17 voter approval of a withdrawal agreement pursuant to the former 16 V.S.A.
18 § 724(c), and preparation to assume full responsibility for the education of
19 resident students on the operational date;

20 (C) determine or set a schedule for determining the manner in which
21 supervisory union services will be provided to the proposed new school district

1 and, if appropriate, the union district to be effective on the proposed new
2 school district’s operational date; and

3 (D) make any other findings or declarations and approve any other
4 motions that are related and necessary to the withdrawal proposal.

5 (d) Actions necessary to be fully operational. After the State Board makes
6 its determination of preparedness and approves the withdrawal process
7 pursuant to subdivision (c)(2) of this section, then the new school district, the
8 union district, and, if applicable, the supervisory union or unions shall take all
9 actions necessary to be fully operational on the operational date. At a
10 minimum, the required necessary actions shall include:

11 (1) election of initial school board members by the voters of the new
12 school district, whose terms of office shall be arranged so that one each expires
13 on the day of the second, third, and fourth annual meeting of the new school
14 district, and whose sole responsibility until the new school district’s
15 operational date shall be to prepare for the district to assume sole responsibility
16 for the education of resident students on that date;

17 (2) negotiation of the proposed financial terms of withdrawal by the
18 board of the new school district and the board of the union district in order to
19 comply with the requirements of the former 16 V.S.A. § 724(c);

1 (3) approval by the voters of each town within the union district of the
2 negotiated proposed financial terms of withdrawal in order to comply with the
3 requirements of the former 16 V.S.A. § 724(c);

4 (4) preparation of a proposed budget by the board of the new school
5 district for the fiscal year beginning on the district’s operational date, together
6 with presentation to and approval by the district’s voters prior to that date;

7 (5) preparation for the provision of supervisory union services to the
8 new school district and, if applicable, for the transition of the union school
9 district from a supervisory district structure to a supervisory union structure;

10 and

11 (6) all other actions necessary to transition from one school district to
12 two districts and, if applicable, to transition from a supervisory district
13 structure to a supervisory union structure, including all actions necessary to
14 address the collectively bargained rights of employees of the current
15 employing entity.

16 (e) Preparedness deemed unlikely.

17 (1) If the State Board determines preparedness is unlikely and issues a
18 written advisory statement detailing the factors underlying its conclusion
19 pursuant to subdivision (c)(2) of this section, it shall electronically transmit the
20 advisory statement to the board of the new school district upon its election.

1 (2) Upon receipt of the advisory statement, the board of the new school
2 district shall post the document on its website and schedule the contents as a
3 topic for public discussion at a special or regular board meeting.

4 (3) Prior to the operational date and after public discussion and any
5 board deliberations:

6 (A) The board of the new school district may continue to take all
7 actions necessary to prepare for the realignment of duties on the operational
8 date.

9 (B) On its own motion, or if petitioned to do so by at least five
10 percent of the voters in the new school district, the board of the new school
11 district shall warn a vote to request the State Board to reverse its declaration
12 approving withdrawal and reconstituting the new school district. The vote
13 shall be held before the October 1 prior to the operational date.

14 (i) The question shall be decided by Australian ballot.

15 (ii) Within 45 days after the vote or 15 days after a vote to
16 reconsider under 17 V.S.A. § 2661, whichever is later, the clerk of the new
17 school district shall certify the results of the vote to the Secretary of State who
18 shall record the certificate and give notice of the vote to the clerk of the union
19 district, the clerks of each of the other towns within the union district, and the
20 Secretary of Education. The clerk of the new school district shall submit the

1 certification regardless of whether the voters in the district voted to petition the
2 State Board to reverse its declarations.

3 (4) If the new school district requests the State Board to take action
4 under subdivision (3) of this subsection, then:

5 (A) the State Board shall reverse and void earlier declarations
6 approving withdrawal and reconstituting the new school district and the
7 withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is
8 concluded; and

9 (B) the union school district shall continue to be solely responsible
10 for the education of the students residing in the town that petitioned for
11 withdrawal; provided, however:

12 (i) the new school district and its board shall continue to exist for
13 up to six months after the day on which the State Board reverses and voids its
14 earlier declarations for the sole purpose of completing any outstanding
15 business that cannot legally be performed by another entity; and

16 (ii) the State Board may make any declarations and take any
17 actions, including recording certifications with the Secretary of State, that are
18 necessary to support the consequences outlined in this subdivision (e)(4).

19 (f) Application of this section to withdrawal from a union elementary or
20 union high school district.

1 (1) The processes outlined in this section shall apply to an action of a
2 member school district to withdraw from a union elementary or union high
3 school district if the five elements set forth in subdivisions (A)–(E) of
4 subdivision (a)(2) are met.

5 (2) For purposes of applying the process in this section to withdrawal
6 from a union elementary or union high school district under this subsection, the
7 terms used in subsections (a) through (e) have the following meanings:

8 (A) “Petitioning town” means the member district of the union
9 elementary or union high school district that initiated the withdrawal process
10 pursuant to the provisions of 16 V.S.A. § 721a that were in effect prior to the
11 effective date of Sec. 3 of this act.

12 (B) “Selectboard” means the board of the member district that
13 initiated the withdrawal process pursuant to the provisions of 16 V.S.A. § 721a
14 that were in effect prior to the effective date of Sec. 3 of this act.

15 (C) “Town within the union school district” means a member district
16 of the union elementary or union high school district.

17 (g) Repeal. This section is repealed on July 1, 2024.

18 Sec. 6. WITHDRAWAL PROPOSALS ON WHICH THE STATE BOARD
19 HAS NOT TAKEN ACTION; UNION DISTRICT CREATED BY
20 THE ELECTORATE

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

6 (1) the union district formed pursuant to the provisions of 16 V.S.A.
7 §§ 706–706j that were in effect prior to the effective date of Sec. 3 of this act;

8 (2) the voters of the petitioning town approved a proposal to withdraw
9 from the union district;

10 (3) the voters of each of the other towns within the union district ratified
11 the petitioning town’s proposal to withdraw; and

12 (4) the State Board of Education has not approved or taken action to
13 approve the withdrawal proposal or to declare that a new school district is
14 reconstituted.

15 (b) Report and plan. At any time after the effective date of this section, but
16 on or before the regular September 2022 State Board meeting, the self-selected
17 representatives of the petitioning town shall submit a written report and plan to
18 the State Board.

19 (1) Report. The report shall describe the analysis that has been
20 performed by the petitioning town to evaluate the likely strengths and
21 challenges for the proposed new school district and for the reconfigured union

1 district if withdrawal is approved and the ways in which withdrawal would
2 enable both districts to provide for the education of their respective resident
3 students in a manner that will meet educational quality standards as required
4 by 16 V.S.A. § 165. The report shall address:

5 (A) the educational advantages and disadvantages likely to result
6 from withdrawal for the students in the proposed new school district and the
7 students in the remaining towns within the union district and the ways in which
8 they are preferable to those of continuing in the current governance structure;

9 (B) the financial advantages and disadvantages likely to result from
10 withdrawal for the taxpayers in the proposed new school district and the
11 taxpayers in the remaining towns within the union district and the ways in
12 which they are preferable to those of continuing in the current governance
13 structure;

14 (C) the likely operational and financial viability and sustainability of
15 the proposed new school district and the union district after withdrawal of the
16 petitioning town;

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

20 (E) the potential source of supervisory union services for the new
21 school district and, if appropriate, for the union district, including discussions

1 with the board of any supervisory union to which the petitioning town
2 proposes assignment.

3 (2) Plan. The plan shall describe the actions that the petitioning town
4 has taken and will take to ensure that, as of its proposed operational date, the
5 proposed new district will be prepared to assume sole responsibility for the
6 education of its students in prekindergarten through grade 12 in a manner that
7 will meet educational quality standards as required by 16 V.S.A. § 165,
8 including the actions necessary to transition to the proposed method by which
9 supervisory union services would be provided. The plan shall include a
10 timeline indicating the date by which each action will be complete. At a
11 minimum, the plan and timeline should include the actions identified in
12 subsection (d) of this section.

13 (c) State Board review and action.

14 (1) Review. The State Board shall consider the report and plan and shall
15 provide the self-selected representatives of the petitioning town and the board
16 of the union district an opportunity to be heard. The Board may, in its
17 discretion, take testimony from other individuals and entities.

18 (2) Preparedness determination and vote to approve withdrawal. The
19 State Board shall determine if it is likely or unlikely the proposed new school
20 district will be prepared to assume full responsibility for the education of its
21 resident students in a manner that substantially complies with educational

1 quality standards as required by 16 V.S.A. § 165 and whether it is likely or
2 unlikely that supervisory union services will be available to the proposed new
3 school district on the operational date. If the State Board determines
4 preparedness is unlikely, it shall issue a written advisory statement detailing
5 the factors underlying its conclusion, which shall be posted on its website.

6 Upon making its preparedness determination, the State Board shall vote to:

7 (A) approve the withdrawal proposal;

8 (B) approve any motion necessary for the withdrawal process to
9 proceed pursuant to subsection (d) of this section, including a motion to create
10 a new school district as of the date of the motion in order to enable the election
11 of members to the board of the proposed new school district, negotiation and
12 voter approval of a withdrawal agreement pursuant to the former 16 V.S.A.
13 § 724(c), and preparation to assume full responsibility for the education of
14 resident students on the operational date;

15 (C) determine or set a schedule for determining the manner in which
16 supervisory union services will be provided to the proposed new school district
17 and, if appropriate, the union district, to be effective on the proposed new
18 school district's operational date; and

19 (D) make any other findings or declarations and approve any other
20 motions that are related and necessary to the withdrawal proposal.

1 (d) Actions necessary to be fully operational. After the State Board makes
2 its determination of preparedness and approves the withdrawal process
3 pursuant to subdivision (c)(2) of this section, then the new school district, the
4 union district, and, if applicable, the supervisory union or unions shall take all
5 actions necessary to be fully operational on the identified operational date. At
6 a minimum, the required necessary actions shall include:

7 (1) election of initial school board members by the voters of the new
8 school district, whose terms of office shall be arranged so that one each expires
9 on the day of the second, third, and fourth annual meeting of the new school
10 district and whose sole responsibility until the new school district’s operational
11 date shall be to prepare for the district to assume sole responsibility for the
12 education of resident students on that date;

13 (2) negotiation by the board of the new school district and the board of
14 the union district of the proposed financial terms of withdrawal in order to
15 comply with the requirements of the former 16 V.S.A. § 724(c);

16 (3) approval by the voters of each town within the union district of the
17 negotiated proposed financial terms of withdrawal in order to comply with the
18 requirements of the former 16 V.S.A. § 724(c);

19 (4) preparation of a proposed budget by the board of the new school
20 district for the fiscal year beginning on the district’s operational date, together
21 with presentation to and approval by the district’s voters prior to that date;

1 (5) preparation for the provision of supervisory union services to the
2 new school district and, if applicable, for the transition of the union school
3 district from a supervisory district structure to a supervisory union structure;
4 and

5 (6) all other actions necessary to transition from one school district to
6 two districts and, if applicable, to transition from a supervisory district
7 structure to a supervisory union structure, including any actions necessary to
8 address the collectively bargained rights of employees of the former employing
9 entity.

10 (e) Preparedness deemed unlikely.

11 (1) If the State Board determines preparedness is unlikely and issues a
12 written advisory statement detailing the factors underlying its conclusion
13 pursuant to subdivision (c)(2) of this section, it shall electronically transmit the
14 advisory statement to the board of the new school district upon its election.

15 (2) Upon receipt of the advisory statement, the board of the new school
16 district shall post the document on its website and schedule the contents as a
17 topic for public discussion at a special or regular board meeting.

18 (3) Prior to the operational date and after public discussion and any
19 board deliberations:

1 (A) The board of the new school district may continue to take all
2 actions necessary to prepare for the realignment of duties on the operational
3 date.

4 (B) On its own motion, or if petitioned to do so by at least five
5 percent of the voters in the new school district, the board of the new school
6 district shall warn a vote to request the State Board to reverse its declaration
7 approving withdrawal and reconstituting the new school district. The vote
8 shall be held before the October 1 prior to the operational date.

9 (i) The question shall be decided by Australian ballot.

10 (ii) Within 45 days after the vote or 15 days after a vote to
11 reconsider under 17 V.S.A. § 2661, whichever is later, the clerk of the new
12 school district shall certify the results of the vote to the Secretary of State who
13 shall record the certificate and give notice of the vote to the clerk of the union
14 district, the clerks of each of the other towns within the union district, and the
15 Secretary of Education. The clerk of the new school district shall submit the
16 certification regardless of whether the voters in the district voted to petition the
17 State Board to reverse its declarations.

18 (4) If the new school district requests the State Board to take action
19 under subdivision (3) of this subsection, then:

20 (A) the State Board shall reverse and void earlier declarations
21 approving withdrawal and reconstituting the new school district and the

1 withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is
2 concluded; and

3 (B) the union school district shall continue to be solely responsible
4 for the education of the students residing in the town that petitioned for
5 withdrawal; provided, however:

6 (i) the new school district and its board shall continue to exist for
7 up to six months after the day on which the State Board reverses and voids its
8 earlier declarations for the sole purpose of completing any outstanding
9 business that cannot legally be performed by another entity; and

10 (ii) the State Board may make any declarations and take any
11 actions, including recording certifications with the Secretary of State, that are
12 necessary to support the consequences outlined in this subdivision (e)(4).

13 (f) Application of this section to withdrawal from a union elementary or
14 union high school district.

15 (1) The processes outlined in this section shall apply to an action of a
16 member school district to withdraw from a union elementary or union high
17 school district if the four elements set forth in subdivisions (1)–(4) of
18 subdivision (a) are met.

19 (2) For purposes of applying the process in this section to withdrawal
20 from a union elementary or union high school district under this subsection, the

1 terms used in subsections (a) through (d) of this section have the following
2 meanings:

3 (A) “Petitioning town” means the member district of the union
4 elementary or union high school district that initiated the withdrawal process
5 pursuant to the provisions of 16 V.S.A. § 721a that were in effect prior to the
6 effective date of Sec. 3 of this act.

7 (B) “Selectboard” means the board of the member district that
8 initiated the withdrawal process pursuant to the provisions of 16 V.S.A. § 721a
9 that were in effect prior to the effective date of Sec. 3 of this act.

10 (C) “Town within the union school district” means a member district
11 of the union elementary or union high school district.

12 (g) Repeal. This section is repealed on July 1, 2024.

13 Sec. 7. WITHDRAWAL PROPOSALS; NO FINAL RATIFICATION

14 VOTES

15 (a) Unified union school districts. If a town within a unified union school
16 district voted to withdraw from the union district pursuant to the provisions of
17 16 V.S.A. § 724 that were in effect prior to the effective date of Sec. 3 of this
18 act, and if the voters of each of the other towns within the union district have
19 not voted whether to ratify the withdrawal proposal prior to the effective date
20 of this section or if they each voted but the votes are not final prior to the
21 effective date, then the withdrawal action is deemed to have been withdrawn.

1 The voters residing in any town within the union district may initiate new
2 withdrawal procedures pursuant to the process set forth in Sec. 3, 16 V.S.A.
3 § 724, of this act.

4 (b) Union elementary and union high school districts. If a member district
5 of a union elementary or union high school district voted to withdraw from the
6 union district pursuant to the provisions of 16 V.S.A. § 721 a that were in effect
7 prior to the effective date of Sec. 3 of this act, and if the voters of each of the
8 other member districts of the union district have not voted whether to ratify the
9 withdrawal proposal prior to the effective date of this section or if they each
10 voted but the votes are not final prior to the effective date, then the withdrawal
11 action is deemed to have been withdrawn. The voters residing in any member
12 district of the union district may initiate new withdrawal procedures pursuant
13 to the process set forth in Sec. 3, 16 V.S.A. § 725, of this act.

14 Sec. 8. EFFECTIVE DATE

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