

1 H.727

2 Senator Hardy moves to amend the proposal of amendment of the
3 Committee on Education as follows:

4 **First:** By striking out Sec. 4, withdrawal actions approved by State Board;
5 new districts with an operational date on or after July 1, 2023, in its entirety
6 and inserting in lieu thereof a new Sec. 4 to read as follows:

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

10 (a) Application of this section. This section shall apply solely to a
11 withdrawal action initiated pursuant to the provisions of 16 V.S.A. § 724 that
12 were in effect prior to the effective date of Sec. 3 of this act (former 16 V.S.A.
13 § 724), if each of the following actions occurred prior to that effective date:

14 (1) the State Board of Education gave final approval to the voter-
15 approved and voter-ratified proposal to withdraw from the union school
16 district;

17 (2) the State Board declared a new school district to be reconstituted;

18 (3) the State Board established the new school district's operational date
19 as July 1, 2023 or after;

20 (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) 2022 status report. On or before the regular July 2022 State Board
8 meeting, the new school district shall submit a written status report to the
9 Board detailing the actions the district has taken and will take to ensure that, as
10 of its operational date, the district will be prepared to assume sole
11 responsibility for the education of its students in prekindergarten through grade
12 12 in a manner that will meet educational quality standards as required by
13 16 V.S.A. § 165 and to ensure the provision of supervisory union services.
14 The status report shall include a timeline indicating the date by which each
15 action shall be complete.

16 (c) 2022 review and preparedness determination by State Board.

17 (1) 2022 review. The State Board shall consider the 2022 status report
18 and provide the board of the new school district an opportunity to be heard at
19 one or more of the Board’s regularly scheduled meetings. The State Board
20 may also take testimony from other entities including the union school district
21 and the Secretary of Education. The State Board shall issue a determination of

1 preparedness based on the 2022 review and 2022 report on or before
2 September 1, 2022.

3 (2) 2022; preparedness deemed likely. If the State Board determines
4 that it is likely the new school district will be prepared on the operational date
5 in effect on July 1, 2022 to assume full responsibility for the education of its
6 resident students in a manner that substantially complies with educational
7 quality standards as required by 16 V.S.A. § 165 and to ensure the provision of
8 supervisory union services, then the new school district, the union district, and,
9 if applicable, the supervisory union or unions shall continue to take all actions
10 necessary to prepare for the realignment of duties on the operational date.

11 (3) 2022; preparedness deemed unlikely. If the State Board determines
12 there is a reasonable risk that the new district will not be able to be prepared on
13 the operational date in effect on July 1, 2022 to assume full responsibility for
14 the education of its resident students in a manner that substantially complies
15 with educational quality standards as required by 16 V.S.A. § 165, and to
16 ensure the provision of supervisory union services, then:

17 (A) the operational date for the new school district shall be extended
18 one year;

19 (B) the new school district shall continue to take all actions necessary
20 to prepare for the realignment of the duties on the operational date;

1 (C) the new school district shall issue a 2023 status report pursuant to
2 subsection (d) of this section;

3 (D) the State Board shall issue a written report detailing the factors
4 underlying its conclusion, which it shall post on its website and transmit
5 electronically to the board of the new school district and the clerk of the union
6 school district that continues to be responsible for the education of the students
7 in the new school district; and

8 (E) the board of the new school district shall provide opportunity for
9 public discussion of the State Board’s written report detailing the factors
10 supporting its conclusion that preparedness is deemed unlikely.

11 (d) 2023 status report. If the State Board deemed preparedness unlikely
12 under subsection (c) if this section, then on or before the regular July 2023
13 State Board meeting, the new school district shall submit a written status report
14 to the Board detailing the actions the district has taken and will take to ensure
15 that as of its operational date the district will be prepared to assume sole
16 responsibility for the education of its students in prekindergarten through grade
17 12 in a manner that will meet educational quality standards as required by
18 16 V.S.A. § 165 and to ensure the provision of supervisory union services.
19 The status report shall include a timeline indicating the date by which each
20 action shall be complete.

21 (e) 2023 State Board review and findings.

1 (1) 2023 review. If the new school district submitted a written status
2 report pursuant to subsection (d) of this section, then the State Board shall
3 consider the 2023 status report and provide the board of the new school district
4 an opportunity to be heard. The Board may, in its discretion, take testimony
5 from other individuals and entities, including the union school district and the
6 Agency of Education. The State Board shall issue a determination of
7 preparedness based on the 2023 review and 2023 report on or before
8 September 1, 2023.

9 (2) 2023; preparedness deemed likely. If the State Board determines
10 that it is likely the new school district will be prepared on the identified
11 operational date to assume full responsibility for the education of its resident
12 students in a manner that substantially complies with educational quality
13 standards as required by 16 V.S.A. § 165 and to ensure the provision of
14 supervisory union services, then the new school district, the union district, and,
15 if applicable, the supervisory union or unions shall continue to take all actions
16 necessary to prepare for the realignment of duties on the operational date.

17 (3) 2023; preparedness deemed unlikely. If the State Board determines
18 there is a reasonable risk that the new district will not be able to be prepared on
19 the identified operational date to assume full responsibility for the education of
20 its resident students in a manner that substantially complies with educational

1 quality standards as required by 16 V.S.A. § 165 and to ensure the provision of
2 supervisory union services, then:

3 (A) the State Board shall reverse and void earlier declarations
4 approving withdrawal and reconstituting the new school district and the
5 withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is
6 concluded; provided, however, upon order of the State Board, the new school
7 district and its board may continue to exist for up to six months after the date
8 of the State Board’s determination for the sole purpose of completing any
9 outstanding business that cannot legally be performed by another entity;

10 (B) the petitioning town shall be a town within the union district;

11 (C) the State Board’s determination of reasonable risk and the
12 resulting consequences imposed by such a determination shall be final and
13 shall conclude the withdrawal action initiated pursuant to the provisions of the
14 former 16 V.S.A. § 724;

15 (D) if voters residing in any town within the union district wish to
16 initiate new withdrawal procedures, then they shall do so pursuant to the
17 process set forth in Sec. 3, 16 V.S.A. § 724, of this act; and

18 (E) the State Board may make any declarations and take any actions,
19 including recording certifications with the Secretary of State, that are necessary
20 to support the consequences outlined in this subdivision (3).

21 (f) Repeal. This section is repealed on July 1, 2024.

1 **Second:** By striking out Sec. 6, withdrawal proposals on which the State
2 Board has not taken action; union district created by the electorate, in its
3 entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

4 Sec. 6. WITHDRAWAL PROPOSALS ON WHICH THE STATE BOARD
5 HAS NOT TAKEN ACTION; UNION DISTRICT CREATED BY
6 THE ELECTORATE

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

12 (1) the union district formed pursuant to the provisions of 16 V.S.A.
13 §§ 706–706j that were in effect prior to the effective date of Sec. 3 of this act;

14 (2) the voters of the petitioning town approved a proposal to withdraw
15 from the union district;

16 (3) the voters of each of the other towns within the union district ratified
17 the petitioning town’s proposal to withdraw; and

18 (4) 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) 2022 Report and plan. At any time before July 1, 2022, the self-
2 selected representatives of the petitioning town shall submit a written report
3 and plan to the State Board, and shall indicate to the State Board that the
4 documents are submitted pursuant to this section.

5 (1) 2022 report. The report shall describe the analysis that has been
6 performed by the petitioning town to evaluate the likely strengths and
7 challenges for the proposed new school district and for the reconfigured union
8 district if withdrawal is approved and the ways in which withdrawal would
9 enable both districts to provide for the education of their respective resident
10 students in a manner that will meet educational quality standards as required
11 by 16 V.S.A. § 165. The report shall address:

12 (A) the educational advantages and disadvantages likely to result
13 from withdrawal for the students in the proposed new school district and the
14 students in the remaining towns within the union district and the ways in which
15 they are preferable to those of continuing in the current governance structure;

16 (B) the financial advantages and disadvantages likely to result from
17 withdrawal for the taxpayers in the proposed new school district and the
18 taxpayers in the remaining towns within the union district and the ways in
19 which they are preferable to those of continuing in the current governance
20 structure;

1 (C) the likely operational and financial viability and sustainability of
2 the proposed new school district and the union district after withdrawal of the
3 petitioning town;

4 (D) any other advantages and disadvantages of withdrawal, including
5 any advantages and disadvantages to the students and taxpayers of the region
6 and the State; and

7 (E) the potential source of supervisory union services for the new
8 school district and, if appropriate, for the union district, including discussions
9 with the board of any supervisory union to which the petitioning town
10 proposes assignment.

11 (2) 2022 plan. The plan shall describe the actions that the petitioning
12 town has taken and will take to ensure that as of its proposed operational date
13 the proposed new district will be prepared to assume sole responsibility for the
14 education of its students in prekindergarten through grade 12 in a manner that
15 will meet educational quality standards as required by 16 V.S.A. § 165,
16 including the actions necessary to transition to the proposed method by which
17 supervisory union services would be provided. The plan shall include a
18 timeline indicating the date by which each action will be complete. At a
19 minimum, the plan and timeline should include the actions identified in
20 subsection (d) of this section.

21 (c) 2022 State Board review and action.

1 (1) 2022 review. The State Board shall consider the 2022 report and
2 plan and shall provide the self-selected representatives of the petitioning town
3 and the board of the union district an opportunity to be heard. The Board may,
4 in its discretion, take testimony from other individuals and entities. The State
5 Board shall issue a determination of preparedness based on the 2022 review
6 and 2022 report on or before September 1, 2022.

7 (2) 2022 preparedness determination and vote to approve withdrawal.
8 The State Board shall determine if it is likely or unlikely the proposed new
9 school district will be prepared to assume full responsibility for the education
10 of its resident students in a manner that substantially complies with educational
11 quality standards as required by 16 V.S.A. § 165 and whether it is likely or
12 unlikely that supervisory union services will be available to the proposed new
13 school district on the operational date. Upon making its preparedness
14 determination, the State Board shall vote to:

15 (A) approve the withdrawal proposal;

16 (B) approve any motion necessary for the withdrawal process to
17 proceed pursuant to subsection (d) of this section, including a motion to create
18 a new school district as of the date of the motion in order to enable the election
19 of members to the board of the proposed new school district, negotiation and
20 voter approval of a withdrawal agreement pursuant to the former 16 V.S.A.

1 § 724(c), and preparation to assume full responsibility for the education of
2 resident students on the operational date;

3 (C) determine or set a schedule for determining the manner in which
4 supervisory union services will be provided to the proposed new school district
5 and, if appropriate, the union district, to be effective on the proposed new
6 school district’s operational date; and

7 (D) make any other findings or declarations and approve any other
8 motions that are related and necessary to the withdrawal proposal.

9 (3) 2022; preparedness deemed unlikely. If the State Board determines
10 it is unlikely the proposed new school district will be prepared on the identified
11 operational date to assume full responsibility for the education of its resident
12 students in a manner that substantially complies with educational quality
13 standards as required by 16 V.S.A. § 165 and to ensure the provision of
14 supervisory union services, then:

15 (A) the operational date for the proposed new school district shall be
16 set for no earlier than July 1, 2024;

17 (B) the proposed new school district shall take all actions necessary
18 to prepare for the realignment of the duties on the operational date;

19 (C) the proposed new school district shall issue a 2023 status report
20 pursuant to subsection (e) of this section;

1 (D) the State Board shall issue a written report detailing the factors
2 underlying its conclusion, which it shall post on its website and transmit
3 electronically to the board of the proposed new school district after it is elected
4 and the clerk of the union school district that continues to be responsible for
5 the education of the students in the proposed new school district;

6 (E) the board of the new school district, once elected, shall provide
7 opportunity for public discussion of the State Board’s written report detailing
8 the factors supporting its conclusion that preparedness is deemed unlikely.

9 (d) Actions necessary to be fully operational. After the State Board makes
10 its determination of preparedness and approves the withdrawal process
11 pursuant to subdivision (c)(2) of this section, then the new school district, the
12 union district, and, if applicable, the supervisory union or unions shall take all
13 actions necessary to be fully operational on the identified operational date. At
14 a minimum, the required necessary actions shall include:

15 (1) election of initial school board members by the voters of the new
16 school district, whose terms of office shall be arranged so that one each expires
17 on the day of the second, third, and fourth annual meeting of the new school
18 district and whose sole responsibility until the new school district’s operational
19 date shall be to prepare for the district to assume sole responsibility for the
20 education of resident students on that date;

1 (2) negotiation by the board of the new school district and the board of
2 the union district of the proposed financial terms of withdrawal in order to
3 comply with the requirements of the former 16 V.S.A. § 724(c);

4 (3) approval by the voters of each town within the union district of the
5 negotiated proposed financial terms of withdrawal in order to comply with the
6 requirements of the former 16 V.S.A. § 724(c);

7 (4) preparation of a proposed budget by the board of the new school
8 district for the fiscal year beginning on the district’s operational date, together
9 with presentation to and approval by the district’s voters prior to that date;

10 (5) preparation for the provision of supervisory union services to the
11 new school district and, if applicable, for the transition of the union school
12 district from a supervisory district structure to a supervisory union structure;
13 and

14 (6) all other actions necessary to transition from one school district to
15 two districts and, if applicable, to transition from a supervisory district
16 structure to a supervisory union structure, including any actions necessary to
17 address the collectively bargained rights of employees of the former employing
18 entity.

19 (e) 2023 status report and State Board review; preparedness deemed
20 unlikely in 2022.

1 (1) 2023 status report. If the State Board deemed preparedness unlikely
2 under subsection (c) if this section, then on or before the regular July 2023
3 State Board meeting, the new school district shall submit a written status report
4 to the Board detailing the actions the district has taken and will take to ensure
5 that as of its operational date the district will be prepared to assume sole
6 responsibility for the education of its students in prekindergarten through grade
7 12 in a manner that will meet educational quality standards as required by
8 16 V.S.A. § 165 and to ensure the provision of supervisory union services.
9 The status report shall include a timeline indicating the date by which each
10 action shall be complete.

11 (2) 2023 State Board review and findings.

12 (A) 2023 review. If the new school district submitted a written status
13 report under subdivision (e)(1) of this section, then the State Board shall
14 consider the 2023 status report and provide the board of the new school district
15 an opportunity to be heard. The Board may, in its discretion, take testimony
16 from other individuals and entities, including the union school district and the
17 Agency of Education. The State Board shall issue a determination of
18 preparedness based on the 2023 review and 2023 report on or before
19 September 1, 2023.

20 (B) 2023; preparedness deemed likely. If the State Board determines
21 that it is likely the new school district will be prepared on the identified

1 operational date to assume full responsibility for the education of its resident
2 students in a manner that substantially complies with educational quality
3 standards as required by 16 V.S.A. § 165 and to ensure the provision of
4 supervisory union services, then the new school district, the union district, and,
5 if applicable, the supervisory union or unions shall continue to take all actions
6 necessary to prepare for the realignment of duties on the operational date.

7 (C) **2023**; preparedness deemed unlikely. If the State Board
8 determines there is a reasonable risk that the new district will not be able to be
9 prepared on the identified operational date to assume full responsibility for the
10 education of its resident students in a manner that substantially complies with
11 educational quality standards as required by 16 V.S.A. § 165 and to ensure the
12 provision of supervisory union services, then:

13 (i) the State Board shall reverse and void earlier declarations
14 approving withdrawal and reconstituting the new school district and the
15 withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is
16 concluded; provided, however, upon order of the State Board, the new school
17 district and its board may continue to exist for up to six months after the date
18 of the State Board's determination for the sole purpose of completing any
19 outstanding business that cannot legally be performed by another entity;

20 (ii) the petitioning town shall be a town within the union district;

1 (iii) the State Board’s determination of reasonable risk and the
2 resulting consequences imposed by such a determination shall be final and
3 shall conclude the withdrawal action initiated pursuant to the provisions of the
4 former 16 V.S.A. § 724;

5 (iv) if voters residing in any town within the union district wish to
6 initiate new withdrawal procedures, then they shall do so pursuant to the
7 process set forth in Sec. 3, 16 V.S.A. § 724, of this act; and

8 (v) the State Board may make any declarations and take any
9 actions, including recording certifications with the Secretary of State, that are
10 necessary to support the consequences outlined in this subdivision (2)(C).

11 (f) Application of this section to withdrawal from a union elementary or
12 union high school district.

13 (1) The processes outlined in this section shall apply to an action of a
14 member school district to withdraw from a union elementary or union high
15 school district if the four elements set forth in subdivisions (1)–(4) of
16 subsection (a) of this section are met.

17 (2) For purposes of applying the process in this section to withdrawal
18 from a union elementary or union high school district under this subsection, the
19 terms used in subsections (a) through (e) of this section have the following
20 meanings:

1 (A) “Petitioning town” means the member district of the union
2 elementary or union high school district that initiated the withdrawal process
3 pursuant to the provisions of 16 V.S.A. § 721a that were in effect prior to the
4 effective date of Sec. 3 of this act.

5 (B) “Selectboard” means the board of the member district that
6 initiated the withdrawal process pursuant to the provisions of 16 V.S.A. § 721a
7 that were in effect prior to the effective date of Sec. 3 of this act.

8 (C) “Town within the union school district” means a member district
9 of the union elementary or union high school district.

10 (g) Repeal. This section is repealed on July 1, 2025.

11 **Third:** In Sec. 7, withdrawal proposals; no final ratification votes, in
12 subsection (c), following “Report and plan. Within”, by striking out “30” and
13 inserting in lieu thereof 90