

The purpose of this amendment is: (1) to permit a town that has voted to withdraw from a union school district before the effective date of this act to proceed with the withdrawal process pursuant to section 724 of Title 16 as it existed before the effective date of this act, and (2) to establish and clarify standards and procedures for the State Board's review of the preparedness of a withdrawing town.

The Starksboro Save Our Schools Committee supports the first and second amendments set forth below. The Committee offers the third amendment set forth below only if the Committee decides to consider the State Board's so-called "guardrails" proposal.

First, by striking Sec. 6(a) and inserting in lieu thereof the following:

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

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

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

(3) the State Board has not approved or taken action to approve the withdrawal proposal or to declare that a new school district is reconstituted.

Second, by striking Sec. 7 of the bill as passed by the House.

Third, by striking Sec. 6(c), (d), and (e) of the bill as passed by the House and inserting in lieu thereof the following:

(c) State Board review and action.

(1) Review.

(A) The State Board shall consider the report and plan and shall provide the self-selected representatives of the petitioning town and the board of the union district an opportunity to be heard, after notice an opportunity for hearing. The Board may, in its discretion, take testimony from other individuals and entities.

(B) In connection with the Board's review, and in accordance with section 261(a) of Title 16, the Board shall either assign the petitioning town to a supervisory union or district for the provision of supervisory services, or designate the petitioning town as its own supervisory district, provided however, in accordance with section 261(c) of Title 16, the Board shall not designate the petitioning town as its own supervisory district unless it will provide for the education of all resident students in prekindergarten through grade 12 and is large enough to support the planning and administrative functions of a supervisory union.

(2) Preparedness deemed likely. If the Board determines that it is likely the proposed new school district, on the proposed operational date, will be prepared to assume full responsibility for the education of its resident students in a manner that substantially complies with educational quality standards as required by 16 V.S.A. § 165. In accordance with 16 V.S.A. section 261, then the Board shall:

(A) approve the withdrawal proposal;

(B) approve any motion necessary for the withdrawal process to proceed pursuant to subsection (d) of this section, including a motion to create a new school district as of the date of the motion in order to enable the election of members to the board of the proposed new school district, negotiation and voter approval of a withdrawal agreement pursuant to the former 16 V.S.A. 6 § 724(c), and preparation to assume full responsibility for the education of resident students on the operational date;

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

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

(3) Preparedness at risk; amendments to plan and timeline. If the State Board determines, after notice and an opportunity to be heard, and supported by sufficient evidence in the record of the Board's review, that it is more likely than not the criteria set forth in subdivision (2) of this subsection will not be met by the operational date, then the State Board shall:

(A) explain its concerns to the petitioning town and union district;

(B) determine, in consultation with the petitioning town and the union district, a date by which the petitioning town and the union district shall present a revised explanation and plan for State Board review and action under subdivision (2) of this subsection (c).

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

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

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

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

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

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

(6) all other actions necessary to transition from one school district to two districts and, if applicable, to transition from a supervisory district structure to a supervisory union structure, including all actions necessary to address the collectively bargained rights of employees of the current 12 employing entity.

(e) Preparedness deemed unlikely. If the State Board, after notice an an opportunity to be heard, cannot make a positive determination of preparedness pursuant to subdivision (c)(2) of this section, either after an initial review of the report and plan or after review of subsequent plans required by subdivision (c)(3) of this section, then:

(1) the State Board shall declare that the petitioning town's proposal to withdraw initiated under the former 16 V.S.A. § 724 is denied;

(2) the petitioning town shall remain a town within the union district;

(3) the State Board's determination of preparedness and the consequences imposed by this subsection shall be final and shall conclude the withdrawal action initiated pursuant to the provisions of the former 16 V.S.A. 2 § 724; and

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