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H.180

Introduced by Representatives Olson of Starksboro, Boyden of Cambridge,  
Burke of Brattleboro, Burrows of West Windsor, Charlton of  
Chester, Cordes of Bristol, Greer of Bennington, Harple of  
Glover, Masland of Thetford, Mrowicki of Putney, Page of  
Newport City, Pouech of Hinesburg, and Sweeney of Shelburne

Referred to Committee on

Date:

Subject: Education; school district; elementary school; school closure

Statement of purpose of bill as introduced: This bill proposes to create a  
process by which a school district may be permitted to close an elementary  
school.

An act relating to the closure of an elementary school

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly that:

(1) Communities and their community elementary schools should be  
afforded due process on a case-by-case basis before an elementary school is  
closed. Elementary schools are not all the same.

(2) Before closing a community elementary school:

1           (A) The community, including students, parents, community  
2           members, and teachers, should have a meaningful voice.

3           (B) The educational benefits of the school for students should be  
4           carefully considered, especially for at-risk students from historically  
5           marginalized groups, students from households with low income, and  
6           ethnically or linguistically diverse households.

7           (C) The financial savings associated with closing the school should  
8           be objectively analyzed based on credible data, and those financial savings  
9           should be measured against all other reasonable savings options.

10          Sec. 2. 16 V.S.A. § 726 is added to read:

11          § 726. CLOSING AN ELEMENTARY SCHOOL

12           (a) Definitions. As used in this section:

13           (1) “Close an elementary school” means ceasing to provide educational  
14           instruction to all students in the elementary school, or to any subset of grades  
15           as they exist as of the date of the proposal to close the elementary school.

16           (2) “Elementary school” means an educational facility for the instruction  
17           of students in any configuration of grades prekindergarten through grade eight.

18           “Elementary school” includes an elementary school governed by a union  
19           school district and by any other school district governed by an entity that has  
20           the authority to close an elementary school without the agreement or consent  
21           of the school district or votes of the town or other locality wherein the

1 elementary school is located. “Elementary school” does not include an  
2 elementary school governed by a school district that is exclusively responsible  
3 for that elementary school.

4 (b) Closure report.

5 (1) Before closing an elementary school, a school district shall provide  
6 public notice of its intent to close the elementary school at least nine months  
7 before issuing its elementary school closure report and publish an elementary  
8 school closure report not later than 90 days before making a final decision.

9 (2) The district shall provide students, families, community members,  
10 teachers, and others a meaningful opportunity to consider and offer comments  
11 concerning the report and to file objections to the conclusions reached in the  
12 report. Notwithstanding 1 V.S.A. § 316(c) and (d), the district shall respond  
13 promptly, without charge, to reasonable requests for the then-existing data and  
14 assumptions on which the report is based.

15 (3) The report shall demonstrate, based on credible data, and based on  
16 competent, reasonable, and independent analysis of the educational impacts on  
17 students, whether:

18 (A) student proficiency scores, social-emotional health, and other  
19 measures of student outcomes will improve as a result of the closure; and

20 (B) students from historically marginalized households with  
21 marginalized demographics, including students from households with low

1 income and students from ethnically and linguistically diverse households, will  
2 not experience adverse educational outcomes from moving from a local  
3 elementary school to a larger school located outside the community.

4 (4) The report shall demonstrate, based on credible data and based on  
5 competent, reasonable, and independent financial analysis, whether:

6 (A) A reasonable and credible amount has been ascribed to the  
7 financial savings that can be attributed to closing the elementary school.

8 (B) Financial savings options have been considered as alternatives to  
9 closing the elementary school and those alternative financial savings, in the  
10 aggregate, are less than the amount credibly ascribed to closing the elementary  
11 school. Consideration of alternative financial savings shall include:

12 (i) the most cost-effective number of central office staff, facility-  
13 based administrative staff, and other staff not engaged in direct education to  
14 students;

15 (ii) whether collaboration between or consolidation of central  
16 office administrative and management personnel and functions in neighboring  
17 or regional school districts can reduce administrative costs, after determining  
18 the reasonable amount associated with such collaboration or consolidation;

19 (iii) whether collaboration between neighboring or regional high  
20 schools and technical centers can reduce costs, after determining the  
21 reasonable amount associated with such collaboration; and

1                   (iv) any other alternative financial savings.

2                   (5) The report shall provide credible and reasonable information on  
3                   student transport. The student transport portion of the report shall include the  
4                   standard used by the district to measure whether transport times for students  
5                   are reasonable, as well as information specifying the time students will spend  
6                   being transported from their individual home to a new school and back again.  
7                   The report shall determine whether those transport times are reasonable and  
8                   feasible after considering geographic locations, typical road conditions in  
9                   inclement weather, the age and grade level of students, factors affecting  
10                  students with special needs, and any other relevant considerations. Times  
11                  specified shall be specific to each drop off or pick up location, rather than  
12                  “average” transport times. State standards relating to transport times for  
13                  different grade cohorts shall be included in the report, but such standards are  
14                  not determinative on whether proposed transport times are reasonable and  
15                  feasible. If an elementary school is closed, families of students whose  
16                  transport times are not reasonable or feasible may attend a public elementary  
17                  school outside the district, at the tuition expense of the original district.

18                  (6) The report shall describe for students, parents, and the community  
19                  what happens next for the education of students after the school closes,  
20                  including a reasonable plan for the use of the school building after it is closed,  
21                  whether or not the municipality chooses to accept ownership of the building.

1           (7) The report shall demonstrate, based on credible data and on  
2           competent, reasonable, and independent analysis of educational and financial  
3           considerations, whether:

4                   (A) the educational and financial benefits from closing the  
5           elementary school outweigh the negative impacts from closing the elementary  
6           school on the demographic and economic viability and vitality of the town the  
7           school is located within and the community; and

8                   (B) closing the elementary school will have a material impact on  
9           reducing education property tax rates in the district.

10           (c) Closure decision. After the conclusion of the report process established  
11           in subsection (b) of this section, the district shall make a decision as to whether  
12           closing the elementary school is just, reasonable, and supported by the  
13           evidence; improves student outcomes; and will promote the general good of  
14           the State. If the foregoing question is answered by the district in the  
15           affirmative:

16                   (1) Notwithstanding any provision of law to the contrary, in the case of  
17           a district in which the articles of agreement require the affirmative vote of the  
18           town in which the elementary school is located before the school is closed,  
19           there shall be a vote of the town in which the elementary school is located,  
20           whether an affirmative vote is required by reason of the text of the warned  
21           consolidation article or required otherwise in the text of the articles of

1 agreement. In such cases, the district shall not close the elementary school in  
2 the absence of an affirmative vote of the town.

3 (2)(A) In the case of articles of agreement that do not require the  
4 affirmative vote of the town in which the elementary school is located before  
5 the school is closed, the town, at the discretion of the selectboard, may hold an  
6 advisory vote on school closure. The district's decision, together with its  
7 report, as amended by the district as warranted, and the town's advisory vote,  
8 if conducted, shall be transmitted to the Board of Education for a decision on  
9 whether to close the elementary school. The Board's decision shall be made  
10 after notice and an opportunity to be heard. Party status shall be granted to the  
11 selectboard of the municipality within which the school is located, and to any  
12 20 registered voters of the municipality within which the school is located  
13 acting in concert who so request party status. The Board shall not issue a  
14 decision to close an elementary school unless the Board determines, after  
15 administrative hearing pursuant to 3 V.S.A. chapter 25, based on a  
16 preponderance of the evidence, that:

17 (i) the district's decision is adequately supported by the law and  
18 by the facts included in the district's decision and report, and by any other  
19 evidence or argument offered by the parties at the Board's administrative  
20 hearing;

1                   (ii) the town’s advisory vote on opposition to school closure  
2                   should not be accorded deference, and the reasons therefore; and  
3                   (iii) the district’s decision is just, reasonable, and supported by the  
4                   evidence; improves student outcomes; will have a material impact on reducing  
5                   education property tax rates in other school districts in the State; and is in  
6                   furtherance of the public good.

7                   (B) The decision of the Board to close an elementary school may be  
8                   appealed to the Washington County Superior Court pursuant to V.R.C.P. Rule  
9                   74. The Superior Court shall hear the appeal de novo, on the record  
10                  transmitted by the Board of Education. The decision of a school district to  
11                  close an elementary school and a decision of the Board to uphold the district’s  
12                  decision shall not be given administrative deference by the Superior Court in a  
13                  proceeding challenging the validity of such decisions. A decision by the  
14                  Board to keep an elementary school open shall not be subject to appeal under  
15                  this subdivision (c)(2)(B).

16                  Sec. 3. EFFECTIVE DATE

17                  This act shall take effect on July 1, 2025.