

Title 16 Chapter 11 Section §706

§ 706b. Study committee; contents of study committee report

(a) Study committee. When a study committee is appointed, the members shall elect a chair who shall notify the commissioner of education of the appointment. The commissioner shall cooperate with the study committee and may make department staff available to assist in the study of the proposed union school district. The committee is a public body pursuant to 1 V.S.A. § 310(3). The committee shall cease to exist when the clerk of each district voting on a proposal to establish a union school district has certified the results of the vote to the commissioner of education pursuant to section 706g of this chapter.

(b) Decision and report. The study committee may determine that it is inadvisable to form a union school district or it may prepare a report in the form of an agreement between member districts for the government of the proposed union school district. In making its determination, the committee may contact additional school districts it believes may be advisable to include within a new union school district.

If the committee decides to recommend formation of a union school district, its report shall specify:

- (1) the names of school districts the committee considers necessary to the establishment of the proposed union; provided, however, only districts named in the warning for the vote under section 706a of this chapter may be identified as necessary;
- (2) the names of additional school districts the committee considers advisable to include in the proposed union school district;
- (3) the grades to be operated by the proposed union school district;
- (4) the cost and general location of any proposed new schools to be constructed and the cost and general description of any proposed renovations;
- (5) a plan for the first year of the union school district's operation for the transportation of students, the assignment of staff, and curriculum that is consistent with existing contracts, collective bargaining agreements, or other provisions of law. The board of the union school district shall make all subsequent decisions regarding transportation, staff, and curriculum subject to existing contracts, collective bargaining agreements, or other provisions of law;
- (6) the indebtedness of proposed member districts that the union school district shall assume;

- (7) the specific pieces of real property of proposed member districts that the union shall acquire, their valuation, and how the union school district shall pay for them;
- (8) the allocation of capital and operating expenses of the union school district among the member districts;
- (9) consistent with the proportional representation requirements of the equal protection clause of the Constitution of the United States, the method of apportioning the representation that each proposed member district shall have on the union school board. The union school board shall have no more than 18 members, and each member district shall be entitled to at least one representative;
- (10) the term of office of directors initially elected, to be arranged so that one-third expire on the day of the second annual meeting of the respective districts, one-third on the day of the third annual meeting of the respective districts, and one-third on the day of the fourth annual meeting of the respective districts, or as near to that proportion as possible;
- (11) the date on which the union school district proposal will be submitted to the voters;
- (12) the date on which the union school district will begin operating schools and providing educational services; and
- (13) any other matters that the committee considers pertinent, including whether votes on the union school district budget or public questions shall be by Australian ballot.

§ 706c. Approval by state board of education

If a study committee prepares a report under section 706b of this chapter, the committee shall transmit the report to the commissioner who shall submit the report with his or her recommendations to the state board of education. That board after notice to the study committee and after giving the committee an opportunity to be heard shall consider the report and the commissioner's recommendations, and decide whether the formation of such union school district will be for the best interest of the state, the students, and the school districts proposed to be members of the union. The board may request the commissioner and the study committee to make further investigation and may consider any other information deemed by it to be pertinent. If, after due consideration and any further meetings as it may deem necessary, the board finds that the formation of the proposed union school district is in the best interests of the state, the students, and the school districts, it shall approve the report submitted by the committee, together with any amendments, as a final report of the study committee, and shall give notice of its action to the committee. The chair of the study committee shall file a copy of the final report with the town clerk of each proposed member district at least 20 days prior to the vote to establish the union.

§ 706d. Vote to establish union school districts

Each school district that is designated in the final report as necessary to the proposed union school district shall vote, and any school district designated in the final report as advisable to be included may vote on the establishment of the proposed union school district. The vote shall be held on the date specified in the final report. The vote shall be warned in each proposed member school district by the school board of that district, and the vote shall be by Australian ballot, at separate school district meetings held on the same day and during the same hours. The polls shall remain open at least eight hours. Early or absentee voting as provided by sections 2531 to 2550 of Title 17 shall be permitted. The meetings shall be warned as a special meeting of each school district voting on the proposal.

The school board of a school district designated as "advisable" in the proposed union school district may choose not to hold a meeting to vote on the question of establishing the union school district; provided, however, it shall warn and conduct the meeting on application of ten percent of the voters in the school district.

§ 706e. Election of directors

(a) Each school district, at the meetings warned to vote on establishment of the union shall also elect directors by Australian ballot to represent the district on the union school board in the event the union is approved by the voters. Directors so elected shall serve from the date of the organization meeting for terms as provided in the final report.

(b) Nominations for the office of union school director representing any district shall be made by filing with the clerk of that school district proposed as a member of the union, a statement of nomination signed by at least 30 voters in that district or one percent of the legal voters in the district, whichever is less and accepted in writing by the nominee. A statement shall be filed not less than 30 nor more than 40 days prior to the date of the vote. Each person so nominated shall have his or her name placed on the ballot. Each district shall elect as many directors as it is then entitled to have represent it on the union school board. The candidates for directors receiving the largest numbers of votes shall be elected to the union school board. In the event of a tie which, if unbroken, will result in more directors being elected than a district is entitled to, the town board of school directors shall, by majority vote, cast one vote for one of the candidates tied, and so create a plurality for that candidate. Nothing contained in this subchapter shall be construed to prohibit the election of school directors by at-large voting.

(c) Nominations for the office of a union school director at-large shall be for a person who is a resident of a school district which is proposed as necessary to the establishment of the union. The nomination shall be made by filing with the clerk of any of the school districts proposed as necessary to the establishment of the union not less than 30 nor more than 40 days prior to the date of the vote, a statement of nomination signed by at least 60 voters from one or more districts proposed as necessary to the establishment of the union. Upon receipt of a petition for an at-large union school director, a clerk shall place the name of the person on the ballot and shall notify each clerk of every other school district proposed as a member of the union that the person is to have his or her name placed on each ballot in each district. Each district shall vote on candidates for member at-large. The candidates receiving the largest number of votes shall be elected to the union school board.

§ 706f. Contents of warning on vote to establish the union

The warning for each school district meeting shall contain two articles in substantially the following form:

WARNING

The voters of the town (city, union, etc.) school district of are hereby notified and warned to meet at on the day of , , to vote by Australian ballot between the hours of , at which time the polls will open, and, at which time the polls will close, upon the following articles of business:

Article I

Shall the town (city, union, etc.) school district of which the State Board of Education has found (necessary or advisable) to include in the proposed union school district, join with the school districts of and , which the State Board of Education has found necessary to include in the proposed union school district, and the school districts of and, which the State Board of Education has found advisable to include in the proposed union school district, for the purpose of forming a union school district, as provided in Title 16, Vermont Statutes Annotated, upon the following conditions and agreements:

- (a) Grades. The union school district shall operate and manage a school offering instruction in grades _____ through _____.
- (b) Board of School Directors. (State formula by which representation of each member district on the union school board is to be determined.)
- (c) [Repealed.]
- (d) Assumption of debts and ownership of school property. The union school district shall assume the indebtedness of member districts, acquire the school properties of member districts, and pay for them, all as specified in the final report. (If no indebtedness is to be assumed, or school property acquired, by the union district, this paragraph (d) may be omitted.)
- (e) Final Report. The provisions of the final report approved by the State Board of Education on the day of , , which is on file in the town clerk's office, shall govern the union district.

Article II

To elect from the following nominees: , , (name, etc.), (number of directors which the district is entitled to) school director(s) to serve on the proposed union school district board from the date of the organization meeting for terms as provided in the final report.

