

Chapter 11 of Title 16: Union School District Formation Process

- ▶ The study committee is a public body subject to open meeting laws and must elect a chair to preside over meetings.
- ▶ The committee should establish a charge to help guide its work, which includes an analysis of whether to form a union school district.
- ▶ “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.” 16 VSA 706b(b)

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- ▶ Study committee report (also known as the “Articles of Agreement”) must address the following issues: (16 VSA 706b)
 - ▶ Names of the school districts the committee considers to be necessary and/or advisable to form the new district
 - ▶ Grades that will be operated by the new district
 - ▶ A plan for the first year of operation re: transportation, assignment of staff, and curriculum
 - ▶ The indebtedness of the member districts that the new district will assume
 - ▶ The specific pieces of real property that the union shall acquire, their value, and how the new district will pay for them
 - ▶ Allocation of capital and operating expenses

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- ▶ Study committee report must address the following issues (cont'd):
 - ▶ Board composition and proportional representation; board shall have no more than 18 members, and each member district shall be entitled to at least one representative
 - ▶ Term of office for initial board of directors, which must include staggered terms
 - ▶ The date when the union school district proposal will be submitted to the voters
 - ▶ The date on which the union school district will begin operating schools and providing educational services
 - ▶ Any other matters the committee considers important

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- ▶ Once the report is complete, it is submitted to proposed member district boards for **review and comment** and is then sent to the Agency of Education/State Board of Education for approval. (16 VSA 706c)
- ▶ If the SBE approves the report, the proposal goes to the electorate on the date set in the report; the vote **MUST** be by Australian ballot, at separate school district meetings held on the same day and during the same hours (16 VSA 706d). The required contents of the warning are spelled out in 16 VSA 706f.
- ▶ At the same election, the voters 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. (16 VSA 706e)

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- ▶ Within 45 days after the vote or 15 days after an unsuccessful vote to reconsider or rescind the original vote under 17 V.S.A. § 2661, whichever is later, the clerk of each district voting on the proposal to establish a union school district shall certify the results of the vote to the Secretary of Education. (16 VSA 706g)
- ▶ If the electorate of all member districts votes in favor of the proposal, the union school district will be created and will be operational on the date specified in the report.

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- ▶ Articles of Agreement can be amended once approved by the electorate:
 - ▶ Any provision of the final report **that was not set forth as a distinct subsection** under Article 1 of the warning may be amended by a simple majority vote of the new union district board, or by any other majority of the board as is specified for a particular matter in the report. 16 VSA 706n(c)
 - ▶ A specific condition or agreement set forth as a distinct subsection under Article 1 of the warning at the vote held to establish the union school district **may be amended only at a special or annual union district meeting.** 16 VSA 706n(a)
 - ▶ Although the results shall be reported to the public by member district, an amendment is effective if approved by a majority of the electorate of the union district voting at that meeting. In other words, **the results of the votes are commingled.**