

1 Sec. X. 16 V.S.A. § 1804 is added to read:

2 § 1804. EMPLOYMENT TRANSITION; NEW SCHOOL DISTRICT

3 CREATED UPON WITHDRAWAL FROM A UNION SCHOOL

4 DISTRICT

5 (a) Definitions. The definitions in section 1801 of this subchapter shall not
6 apply to this section. As used in this section:

7 (1) “Expanded district” means a school district:

8 (A) that was responsible for the education of students residing in a
9 single town for some, but not all, grades, whether by operating all grades,
10 tuitioning all grades, or operating some grades and paying tuition for others;
11 and

12 (B) that, as the result of its withdrawal from a union elementary or
13 union high school district pursuant to section 725 of this title, is solely
14 responsible for the education of its resident students in all grades
15 prekindergarten through grade 12, whether by operating all grades, tuitioning
16 all grades, or operating some grades and paying tuition for others.

17 (2) “New district” means:

18 (A) a school district created by withdrawal from a unified union
19 school district pursuant to section 724 of this title that is responsible for the
20 prekindergarten through grade 12 education of students residing in a single

1 town, whether by operating all grades, tuitioning all grades, or operating some
2 grades and paying tuition for others;

3 (B) a school district responsible for the prekindergarten through
4 grade 12 education of students residing in a single town, whether by operating
5 all grades, tuitioning all grades, or operating some grades and paying tuition
6 for others, that was formed when another town's withdrawal from a unified
7 union school district resulted in dissolution of the union district;

8 (C) an expanded district that did not operate any schools immediately
9 prior to withdrawal and, after withdrawal, operates a school in one or more of
10 the grades previously operated by the union district; or

11 (D) a school district created by withdrawal from a union elementary
12 or union high school district pursuant to section 725 of this title if prior to
13 withdrawal the withdrawing member was a member of both a union
14 elementary school district and a union high school district, was not
15 independently organized as a district responsible for the education of students
16 in any grade, and did not have a town school district board.

17 (3) "Operational date" means the date on which a new district or an
18 expanded district assumes full and sole responsibility for the education of its
19 resident students in the grades for which the union district was previously
20 responsible. "Initial operational year" and "second operational year" mean the

1 year commencing on the operational date and the year immediately following
2 the initial operational year, respectively.

3 (4) “Transitional period” means the period of time beginning on the day
4 on which the State Board declares the creation and existence of the new district
5 or the expanded district pursuant to subdivision 724(h)(2) or 725(h)(2) of this
6 title and continuing until the new district’s or newly expanded district’s
7 operational date.

8 (b) Negotiations council and recognized representatives of a new district.
9 At its first meeting during the transitional period, the board of a new district
10 shall:

11 (1) appoint a school board negotiations council for the new district for
12 the purpose of negotiating with the representatives of future licensed and
13 nonlicensed employees of the new district; and

14 (2) recognize the representative of the employees of the union school
15 district as the recognized representative of the employees of the new district.

16 (c) Employment agreements for the initial and second operational years of
17 a new district.

18 (1) After the new district’s organizational meeting, the new district’s
19 school board negotiations council and the representative of the employees of
20 the new district shall commence negotiations relating to the employment of
21 licensed and nonlicensed employees in the initial operational year.

1 Negotiations shall be conducted pursuant to the provisions of chapter 57 of this
2 title for teachers and administrators and 21 V.S.A. chapter 22 for other
3 employees. The negotiations council or councils representing employees of
4 the union school district shall represent the employees of the new district
5 unless and until the exclusive representative for employees of the new district
6 designates new representatives to a negotiations council.

7 (2) If the parties do not ratify a new agreement at least 90 days prior to
8 the new district's operational date, then the new district and its employees shall
9 be governed by the terms of the collectively bargained agreement in place for
10 the union district for the year preceding the initial operational year unless and
11 until the parties agree otherwise.

12 (d) Non-probationary employees; changes to seniority and other provisions.
13 For each new district and its employees, whether governed by an agreement in
14 the initial operational year pursuant to subdivision (c)(1) or (c)(2) of this
15 section:

16 (1) an employee of the union district in the year preceding the initial
17 operational year who was not a probationary employee of the union district at
18 the conclusion of that year shall not be considered a probationary employee if
19 employed by the new district in the initial operational year; and

20 (2) prior to the operational date, the board of the union district, the board
21 of the new district, and the representative of the employees of the union district

1 may negotiate a temporary memorandum of understanding to adjust provisions
2 in the union district contract regarding seniority, reductions in force, layoff,
3 and recall in order to assist the workforce needs of both the union district and
4 the new district and the best interests of the licensed and nonlicensed
5 employees they employ.

6 (e) Individual employment contracts not covered by a collective bargaining
7 agreement. On its operational date, the new district shall assume the
8 obligations of each existing individual employment contract, including accrued
9 leave and associated benefits, of any union district employee not covered by a
10 collective bargaining agreement who worked in the building located in the new
11 district in the year preceding the initial operational year and who chooses to
12 continue to work in the same capacity in that building in the initial operational
13 year.

14 (f) Supervisory unions. If the State Board creates a new supervisory union
15 to provide services to the new district and one or more other school districts,
16 then the provisions of subsections (b) through (e) of this section shall apply to
17 the transition of any employee who was employed by the union district in the
18 year prior to the initial operational year to provide services typically provided
19 by a supervisory union employee, if the employee is employed by the new
20 supervisory union in the initial operational year to provide the same services,
21 with the board of the new supervisory union assuming the responsibilities of

1 the board of the new district as outlined in subsections (b) through (e) of this
2 section.

3 Sec. 2. APPLICATION OF EMPLOYMENT TRANSITION PROVISIONS

4 The provisions of Sec. 1 of this act shall also apply to any school district
5 with an operational date of July 1, 2023 or later if the State Board of Education
6 created the district as the result of a withdrawal action initiated pursuant to the
7 terms of 16 V.S.A. § 721a or § 724 that were in effect on January 1, 2022.