

# **Draft Default Articles of Agreement**

## **for initial consideration by the State Board of Education**

Notes:

1. *The State Board of Education will prepare separate default articles of agreement, identical in all substantive respects, for each merged district that it creates in its final statewide plan. As required by Act 49 (2017), Sec. 8, the State Board will issue the default articles as part of the final statewide plan on or before November 30, 2018.*
2. *Notwithstanding Note #1 above, default articles will not be issued for and will not apply to any State Board-required merger of a school district with another recently formed union school district. Instead, the voter-approved articles for that union district will continue to apply to the enlarged union school district unless and until the district amends them.*
3. *The default articles of agreement issued by the State Board will govern the merged districts until such time as they are amended by the voters of the district or the district board. Amendments can occur (a) before the full operational date of July 1, 2019 pursuant to Act 49, Sec. 8 or (b) at any time after the merged district is operational pursuant to existing statutory law.*
4. *The notations in GREEN after each Article or each paragraph within an Article indicate initial thoughts of whether the article can be amended and by whom. The designations are based primarily on existing statutory law, including the substance of 16 V.S.A. § 706n, which governs amendments to articles of agreement in voluntary merger situations. In the State Board's final default articles of agreement, the ability to amend each Article or paragraph will be listed within a separate article – Article 14 in the current draft – and the GREEN notations will be deleted.*

*The current, suggested options are divided into four broad categories:*

- **ONLY VOTERS CAN AMEND Article \_\_\_\_** – A majority vote by voters of the entire merged district could amend the article. The new union district board would not have the authority to amend an article with this designation.
  - **Article \_\_\_\_ can be amended ONLY if approved by the VOTERS in EACH MEMBER TOWN; the Article CANNOT BE AMENDED by the SCHOOL BOARD** – This designation is suggested for articles that would prohibit operational changes during the first years of operation, recognizing that there may be situations in which the voters in each individual town will agree that the article should be amended. This provides the voters in each town with a "veto" of any amendment to the article.
  - **SCHOOL BOARD CAN AMEND Article \_\_\_\_** – Note also that a school board has independent authority to present an issue to the voters for consideration and a vote.
  - **Article \_\_\_\_ CANNOT BE AMENDED by SCHOOL BOARD or VOTERS** – These include articles establishing the new State Board-required union school district as required by the Legislature in Act 46; the legislatively-required date on which the new unified district will become operational; the process for transitioning to the new governance structure by July 1, 2019; and other similar items that are integral to implementation of the requirements in Act 46. They also include other provisions required by law, such as the process for amending the default articles of agreement, both before the date on which the new union school district is fully operational (Act 47, Sec. 8) and after that date at any time in the future (16 V.S.A. chapter 11).
5. Footnotes provide additional information and will not be in the final State Board issued version.
  6. This draft was created to assist the State Board to begin its discussions regarding the default articles it will ultimately issue.

## **Outline of Draft Default Articles of Agreement**

### Article 1 – Creation of New Union District

A. – C. [*Forming Districts; Temporary Legal Name; Resident Students*]

### Article 2 – Grades Operated and/or Tuitioned in Academic Years 2019-2020 and 2020-2021

### Article 3 – Attendance; Restructuring of Grade Configurations

A. Attendance in Academic Years 2019-2020 and 2020-2021

B. Restructuring of Grade Configurations in Academic Years 2019-2020 and 2020-2021

### Article 4 – Closure of School Buildings

A. Academic Years 2019-2020 and 2020-2021

B. Academic Year 2021-2022 and After

### Article 5 – Finances

A. – C. [*Indebtedness, including Capital Debt; Operating Fund Surpluses, Deficits, and Reserve Funds; Transfer of Debt and Funds*]

### Article 6 – Real and Personal Property

A. Transfer of Property to the New Union District

B. Sale of Property to Town in which it located in Any Year

C. Sale of Real Property Conveyed by Forming District that was a Union School District

### Article 7 – Transportation, Employees, and Contracts in Academic Year 2019-2020

### Article 8 – Organizational Meeting of New Union District

A. Date of Meeting and Public Notice

B. Business to be Transacted

i – xiii. [*Agenda items*]

### Article 9 – Transitional Board

A. Creation of Transitional Board; Term of Existence

B. Initial Meeting of Transitional Board

C. Purpose and Authority of Transitional Board

D. Specific Duties of Transitional Board

i. First Draft of Proposed Budget

ii. District Meeting Warnings

a. Election of Initial Board Members

b. Amendments to Default Articles if Intended to be Effective on or before

July 1, 2019 [Act 49, Sec. 8]

Article 10 – New Union District Board of School Directors – *Initial Members*

- A. Initial Representation on New Union District Board
- B. Length of Term of Initial Board Members
- C. Election of Initial Board Members if the Vote is by Australian Ballot [*voters choose at organizational meeting, Article 8 above*]
  - i – iii. [*Nominations; Preparation of Ballot; Counting of Ballots*]
- D. Swearing-In and Assumption of Duties
- E. Preparation and Presentation of Proposed Fiscal Year 2020 Budget to the Voters

Article 11 – Representation on New Union District Board – *On and After the District's Annual Meeting in 2020*

Article 12. Commencement of Operations

Article 13 – Dissolution of Forming Districts; Supervisory Union

Article 14 – Amendments

- A. Authority to Amend Articles
- B. Process for Amending Articles of Agreement
  - i. Amendments Presented to the Electorate for a Vote on or before [*the date that is 90 days after the final plan is issued*] (initial amendments per Act 49, Sec. 8)
  - ii. Amendments Presented to the Electorate for a Vote later than [*the date that is 90 days after the final plan is issued*] (amendments at any time in future per statutes)

Timeline Overview [*based on draft default articles*]

THE \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ **UNIFIED UNION SCHOOL DISTRICT**  
**INITIAL ARTICLES OF AGREEMENT**

Pursuant to the State Board of Education's final Statewide Plan issued on this \_\_\_\_\_ day of \_\_\_\_\_, 2018 as required and authorized by 2015 Acts and Resolves No. 46, Sec. 10(b), as amended ("Act 46"), the \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ **Unified Union School District**<sup>1</sup> ("New Union District") **is created** to provide for the prekindergarten through grade 12 education of its resident students.<sup>2</sup>

*[Paragraph CANNOT BE AMENDED by the SCHOOL BOARD or VOTERS because it is integral to implementation of the requirements in Act 46]*

## Article 1 – Creation of New Union District

### A. Forming Districts

The \_\_\_\_\_ District, the \_\_\_\_\_ District, the \_\_\_\_\_ District, and the \_\_\_\_\_ District (collectively "the Forming Districts")<sup>3</sup> are merged to create the New Union District.

*[Article 1(A) CANNOT BE AMENDED by the SCHOOL BOARD or VOTERS because it is integral to implementation of the requirements in Act 46]<sup>4</sup>*

### B. Temporary Legal Name

The New Union District shall be known by the name "the \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ **Unified Union School District**"<sup>5</sup> unless and until the New Union District Board or the voters votes to change it.

*[AOE suggests: SCHOOL BOARD CAN AMEND Article 1(B); per Article 14]*

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<sup>1</sup> The New Union District's legal name, until amended, will be either the name of the existing union school district(s) or, if none, the name of each town in alphabetical order.

<sup>2</sup> Remove "Unified" and change "grade 12" if the State Board creates a union elementary district.

<sup>3</sup> List all school districts, including any existing union school districts or "ghost districts."

<sup>4</sup> But see Article 1(C).

<sup>5</sup> See Footnote 1.

## C. Resident Students

The New Union District is responsible for the education of students residing in the towns of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.<sup>6</sup>

**[VOTERS CAN AMEND Article 1(C) in the FUTURE per 16 VSA § 721 and § 724]**

### **Article 2 – Grades Operated and/or Tuitioned in Academic Years 2019-2020 and 2020-2021**

**[AOE suggests: Article 2 can be amended ONLY if approved by the VOTERS in EACH MEMBER TOWN; the Article CANNOT BE AMENDED by the SCHOOL BOARD; per Article 14]**

In academic years 2019-2020 and 2020-2021, the New Union District shall operate schools for the grades for which the Forming Districts operated schools in academic year 2018-2019 and shall pay tuition for any grades for which the Forming Districts paid tuition in that year.<sup>7</sup>

### **Article 3 – Attendance; Restructuring of Grade Configurations in Academic Years 2019-2020 and 2020-2021**

**[AOE suggests: Articles 3(A) and 3(B) can be amended ONLY if approved by the VOTERS in EACH MEMBER TOWN; the Article CANNOT BE AMENDED by the SCHOOL BOARD; per Article 14]**

#### **A. Attendance in Academic Years 2019-2020 and 2020-2021<sup>8</sup>**

In academic years 2019-2020 and 2020-2021, each student in the grades for which the New Union District operates multiple school buildings will attend the school that a student residing in that town would have attended in academic year 2018-2019; provided however, that the New Union District Board may grant a parent's or guardian's request for student enrollment in a different school operated by the New Union District based on individual student circumstances and the Superintendent's determination of the school's capacity to serve the child.

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<sup>6</sup> List all towns.

<sup>7</sup> In all future years, the grades operated and/or tuitioned by the New Union District can be changed only by a majority of the voters voting in the entire New Union District, pursuant to 16 V.S.A. §§ 821 and 822; subject to State Board approval of a reduction in the number of grades operated per § 706n(a).

<sup>8</sup> Statutory provisions would apply in subsequent years, giving the school board authority over these decisions beginning in the 2021-2022 academic year, unless the Articles are amended to provide otherwise.

**B. Restructuring of Grade Configurations in Academic Years 2019-2020 and 2020-2021<sup>9</sup>**

- i. For purposes of these Articles, the words "restructuring of grade configurations," "restructuring," and any grammatical variations mean eliminating all classrooms for any grade or grades operated at one or more schools and requiring children in the grade or grades to attend classrooms located in a different school.<sup>10</sup>
- ii. In academic years 2019-2020 and 2020-2021, the New Union District Board shall not restructure the grade configuration of any school building conveyed to it by a Forming District.

**Article 4 – Closure of School Buildings**

**A. Academic Years 2019-2020 and 2020-2021**

*[AOE suggests: Article 4(A) can be amended ONLY if approved by the VOTERS in EACH MEMBER TOWN; the Article CANNOT BE AMENDED by the SCHOOL BOARD; per Article 14]*

In academic years 2019-2020 and 2020-2021, the New Union District shall not close any school building conveyed to the New Union District by a Forming District or cease using the building to provide direct education in at least one grade, prekindergarten through grade 12, unless first approved by the voters residing in the town in which the school is located.

Provided, however, that if the school building was conveyed by a Forming District that was already a union school district, then the New Union District shall not close the school building or cease using the building to provide direct education in at least one grade in academic years 2019-2020 and 2020-2021 unless first approved by the electorate of the New Union District.<sup>11</sup>

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<sup>9</sup> Statutory provisions would apply in subsequent years, giving the school board authority over these decisions beginning in the 2021-2022 academic year, unless the Articles are amended to provide otherwise.

<sup>10</sup> See Article 4 for provisions regarding when restructuring could be seen as equivalent to building closure.

<sup>11</sup> Remove this paragraph if no Forming District is a union school district.

## **B. Academic Year 2021-2022 and After**

**[AOE suggests: ONLY VOTERS CAN AMEND Article 4(B); per Article 14]**

In academic year 2021-2022 and after, the New Union District Board shall not close any school building or cease using the building to provide direct instruction in at least one grade, prekindergarten through grades 12, unless first approved by the electorate of the New Union District.

## **Article 5 – Finances<sup>12</sup>**

**[Article 5 CANNOT BE AMENDED by SCHOOL BOARD or VOTERS; provisions conform to existing law]**

### **A. Indebtedness, Including Capital Debt**

The New Union District shall assume all indebtedness that may exist on June 30, 2019, including capital debt and including both principal and interest, of the Forming Districts.

### **B. Operating Fund Surpluses**

The New Union District shall assume all operating surpluses, deficits, and fund balances of the Forming Districts that may exist at the close of business on June 30, 2019.

The New Union District shall apply any reserve fund for the fund's specific purpose, if identified, unless otherwise determined through appropriate legal procedures.

### **C. Transfer of Debt and Funds**

The Forming Districts shall transfer the debt and funds specified in this Article to the New Union District on or before June 30, 2019 in accordance with procedures and timelines established by the New Union District Board.

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<sup>12</sup> See 16 V.S.A. § 723 for law regarding restricted funds.

## **Article 6 – Real and Personal Property**

### **A. Transfer of Property to the New Union District**

**[Article 6(A) CANNOT BE AMENDED by SCHOOL BOARD or VOTERS; provisions conform to existing law]**

No later than June 30, 2019, the Forming Districts shall convey to the New Union District, for the sum of one dollar, and subject to the encumbrances of record, all of their school-related real and personal property, including all land, buildings, and contents.

### **B. Subsequent Sale of Real Property to Town in which it is Located, in Any Year in the Future**

**[AOE suggests: ONLY VOTERS CAN AMEND Article 6(B); per Article 14]**

*Subject to any requirements relating to school building closure in Article 4 and to the sale of buildings in Title 16 or any other Title of the Vermont Statutes Annotated, if the New Union District Board determines, in its discretion, that the real property, including land and buildings, conveyed to it by one or more of the Forming Districts will not be used for direct delivery of education in at least one grade or for any other purpose related to operation of the New Union District, then the New Union District shall offer for sale such real property to the town in which the real property is located, for the sum of one dollar, subject to all encumbrances of record, the assumption or payment of all outstanding bonds and notes, and the repayment of any school construction aid or grants required by Vermont law.*

The conveyance of any of the above school properties shall be conditioned upon the town owning and using the real property for community and public purposes for a minimum of five years. If the town elects to sell the real property prior to five years of ownership, then the town shall compensate the New Union District for all capital improvements and renovations initiated after July 1, 2019 and prior to the sale to the town.

If a town elects not to acquire ownership of such real property, then the New Union District shall sell the property pursuant to Vermont statutes and upon such terms and conditions as established by the New Union District Board.

**C. Subsequent Sale of Real Property Conveyed by Forming District that was a Union School District, in Any Year in the Future<sup>13</sup>**

**[AOE suggests: ONLY VOTERS CAN AMEND Article 6(C); per Article 14]**

Notwithstanding Paragraph (B) of this Article (4), and subject to any requirements relating to school building closure in Article 4 and to the sale of buildings in Title 16 or any other Title, if the New Union District Board determines, in its discretion, that the real property, including land and buildings, conveyed to it by a Forming District that was a union school district on June 30, 2019, will not be used for direct delivery of education in at least one grade or for any other purpose related to operation of the New Union District, then the New Union District shall sell the property pursuant to Vermont statutes and upon such terms and conditions as are established by the New Union District Board.

**Article 7 – Transportation, Employees, and Contracts in Academic Year 2019-2020**

**[Article 7 CANNOT BE AMENDED by SCHOOL BOARD or VOTERS; provisions conform to existing law]**

In academic year 2019-2020, the New Union District shall provide for the transportation of students, assignment of staff, and implementation of curriculum in a manner that is consistent with the contracts, collective bargaining agreements, and provisions of law that are in effect during that academic year.

The New Union District, through its Board, shall comply with 16 V.S.A. Chapter 53, subchapter 3, regarding recognition of the representatives of employees of the respective Forming Districts, and the SU if applicable, as the representatives of the employees of the New Union District, and the SU if applicable, and shall commence negotiations pursuant to 16 V.S.A. Chapter 57 for teachers and 21 V.S.A. Chapter 22 for other employees. In the absence of new collective bargaining agreements on July 1, 2019, the New Union District shall comply with the pre-existing master agreements pursuant to 16 V.S.A. Chapter 53, subchapter 3.

The New Union District shall honor all individual employment contracts that are in place in the Forming Districts on June 30, 2019 until their respective termination dates.

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<sup>13</sup> Delete Paragraph (C) if no Forming District is a union school district

## **Article 8 – Organizational Meeting of New Union District<sup>14</sup>**

*[Article 8 CANNOT BE AMENDED by SCHOOL BOARD or VOTERS because it is integral to implementation of the requirements in Act 46 and conforms to existing law]*

### **A. Date of Meeting and Public Notice**

On or before *[60 days after State Board's final report is issued]*, the voters of the New Union District shall hold an organizational meeting within the district on a date to be determined by the Superintendent of the supervisory union of which a majority of the Forming Districts are members.

The Superintendent shall post notice of the day, hour, and place of the meeting in at least one public place in each town identified in Article 1(C) and publish it at least once in a newspaper circulating within the New Union District. Publication and posting shall be made not more than 40 days nor fewer than 30 days before the date of the meeting. The New Union District shall bear the cost of giving notice.

The Secretary of Education shall draw the warning for the organizational meeting.

### **B. Business to be Transacted**

The Secretary or the Secretary's designee shall call the organizational meeting to order. The voters of the New Union District shall transact the following business at the organizational meeting, with all votes conducted "from the floor:"

- i. To swear in the members of the Transitional Board created in Article 9, who shall immediately assume office and serve until the voters of the New Union District elect the initial members of the Board of Directors and those members are sworn in and assume their duties.
- ii. To elect a temporary presiding officer and clerk of the New Unified District from among the qualified voters of the district.
- iii. To adopt Robert's or other rules of order, which shall govern the parliamentary procedures of the organizational meeting and all subsequent annual and special meetings of the New Union District.

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<sup>14</sup> Both the process for warning and the content of the organizational meeting are guided by what is required for voluntary mergers in 16 V.S.A. §§ 706i-706j. These statutes employ this process because, in voluntary mergers as in State Board-required mergers, the unified board has not been sworn in.

- iv. To elect the following officers of the New Union District from among the qualified voters of the district, which officers shall assume office upon election and serve for a term of one year or until their successors are elected and qualified:
  - Moderator
  - Clerk
  - Treasurer
- v. To determine a date for the first annual meeting of the New Union District and all subsequent annual meetings, which shall be not earlier than February 1 and not later than June 1 in each year.
- vi. To determine whether to vote on the New Union District's budget and all other public questions by Australian ballot.
- vii. To determine whether to elect members of the New Union District Board by Australian ballot.
- viii. To determine and approve compensation, if any, to be paid to officers of the New Union District.<sup>15</sup>
- ix. To determine and approve compensation, if any, to be paid to members of the New Union District Board.
- x. To establish provisions for the payment of any expense incurred by the New Union District before it becomes fully operational on July 1, 2019 under a voter-approved budget for the fiscal year beginning on that date.
- xi. To authorize the New Union District to borrow money pending receipt of payments from the State Education Fund by the issuance of its notes or orders payable not later than one year from date: provided, however, that the District is authorized by Vermont Statutes to borrow sufficient funds to meet pending obligations.
- xii. To determine whether to authorize the Board of School Directors, pursuant to the provisions of 16 V.S.A. § 563(10) & (11)(C), to provide mailed notice to residents of the availability of the Annual Report and proposed school budget in lieu of distributing the Annual Report and proposed budget.
- xiii. To address any other business determined to be necessary or advisable and warned as required in **Paragraph (A)** of this **Article 8**.

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<sup>15</sup> Vermont statutes identify a union district's officers (as opposed to the school board's officers) as the moderator, the district clerk, and the district treasurer.

## **Article 9 – Transitional Board**

**[Article 9 CANNOT BE AMENDED by SCHOOL BOARD or VOTERS because it is integral to implementation of the requirements in Act 46]**

### **A. Creation of Transitional Board; Term of Existence**

*Until the voters of the New Union District elect the members of the initial Board of Directors as set forth in Article 10, and those members are sworn in and assume their duties, the individuals serving on July 1, 2018 as Chair and Clerk of the board of directors of each Forming District identified in Article 1, including the board of any Forming District that is a union school district on that date, constitute the transitional board of directors for the New Union District (“Transitional Board”).<sup>16</sup>*

### **B. Initial Meeting of Transitional Board**

The Superintendent of the supervisory union of which a majority of the Forming Districts are members shall convene the first meeting of the Transitional Board to occur no later than **14** days after the organizational meeting convened pursuant to Article 8. The agenda for this first meeting of the Transitional Board shall include the election by the Transitional Board members of:

- i. One of their members to serve as Chair of the Transitional Board; and
- ii. One of their members to serve as Clerk of the Transitional Board.

### **C. Purpose and Authority of Transitional Board**

During the period of its existence, the Transitional Board shall serve as the New Union District’s school board and shall perform all functions required of, and have all authority granted to:

- i. The Transitional Board in **Paragraph (D)** of this Article 9; and
- ii. The New Union District Board in these Articles of Agreement and otherwise by law.

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<sup>16</sup> *The only positions that Vermont law requires a school board to choose from among its members are the board chair and board clerk.*

## D. Specific Duties of Transitional Board

In addition to any responsibilities of the New Union District Board that can, should, or must be performed before the initial members of that Board are elected and assume office, the Transitional Board shall perform the following functions:

- i. First Draft of Proposed Budget: Prepare a *draft* of the proposed Fiscal Year 2020 budget of the New Union District, which the Transitional Board shall provide to the New Union District Board for consideration at the first meeting of the New Union District Board convened pursuant to **Article 10(D)**.
- ii. District Meeting Warnings: Prepare for and warn the following items as one or more special meetings of the New Union District:
  - a. Election of Initial Board Members: A meeting of the New Union District at which the voters shall elect initial Board members as set out more detail in **Article 10**, in the manner determined by the voters at the organizational meeting pursuant to **Article 8(B)(vii)**.<sup>17</sup>
  - b. Amendments to Default Articles if Intended to be Effective on or before July 1, 2019: A meeting of the New Union District, which the Legislature has required to occur no later than **[The date that is 90 days after the final plan is issued]**, at which the voters shall consider whether to approve any amendments to the Articles of Agreement that may be proposed by the committee authorized in 2016 Acts and Resolves No. 46, Sec. 10, as amended by 2017 Acts and Resolves No. 49, Sec. 8(d), and which is addressed in more detail in **Article 15(B)(i)**.

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<sup>17</sup> See 16 V.S.A. chapter 11 for statutes addressing the process for appointing individuals to fill vacant school board seats. See also 2018 Spec. Sess. Acts and Resolves No. 11, Sec. E.500.8, which temporarily replaces those statutes with a different process.

**Article 10 – New Union District Board of School Directors – *Initial Members***  
[AOE suggests: Article 10 CANNOT BE AMENDED by SCHOOL BOARD or VOTERS; per Article 14 – But see Article 11: the model of board representation could be amended after year 1 –only the voters would have the authority to do so]

**A. Initial Representation on New Union District Board**

The members of the New Union District Board shall be composed of a total of \_\_\_\_\_ (\_\_\_\_) individuals elected pursuant to the “**Hybrid Model**” of board representation, which the United States District Court for the District of Vermont has approved as meeting constitutional requirements of proportionality.

**Two** seats on the Board are allocated to **each town** identified in **Article 1**, with individuals elected to fill those seats by a vote of the electorate of the entire New Union District.

**B. Length of Term of Initial Board Members**

The terms of office for the initial members of the New Union District Board elected at the meeting warned for that purpose by the Transitional Board pursuant to **Article 9(D)(ii)(a)**, are as follows:

Town [list each below]	Term ending Spring 2020	Term ending Spring 2021	Term ending Spring 2022
_____	1	1	
_____	1		1
_____		1	1
_____	1	1	
_____	1		1
_____		1	1
[etc.]			

## C. Election of the Initial Board Members if the Vote is by Australian Ballot<sup>18</sup>

- i. Nominations: Nominations for the office of New Union District Board member allocated to a specific town shall be made by filing a statement of nomination signed by at least 30 voters in that town or one percent of the legal voters in the town, whichever is less, and accepted in writing by the nominee. The statement shall be filed with the elected clerk of that town not later than the sixth Monday preceding the date of the vote.<sup>19</sup>
- ii. Preparation of Ballot: Within **seven** days after the deadline for filing statements of nomination has expired, each town clerk shall transmit the names of all qualified candidates to the Clerk of the New Union District elected at the organizational meeting pursuant to Article 8(B)(iv). The District Clerk shall compile the names of the qualified candidates from each town and shall prepare the ballot for use at each polling place in the New Unified District.
- iii. Counting of Ballots: Each town clerk shall count the ballots cast in the town and shall transmit the results of the vote in that town to the elected Clerk of the New Union District. The District Clerk shall calculate the combined votes cast by voters of the District and report the combined results to the public, without differentiating as to town of residence. A candidate is elected to serve in a seat allocated to the candidate's town of residence if the candidate receives a majority of the votes cast by the voters of the New Union District for that seat.

## D. Swearing-In and Assumption of Duties

Within **14** days after the initial Board members are elected, the Superintendent shall:

- i. Arrange for the Clerk of the New Union District and/or one or more town clerks within the boundaries of the District to swear in the initial elected members of the Board, who shall assume office upon being sworn in; and
- ii. Convene the first meeting of the initial members of the New Union District Board, at which time the Transitional Board created in Article 9 shall dissolve.

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<sup>18</sup> The voters decide at the District's organizational meeting whether to proceed by Australian ballot. See Article 8(B)(vii).

<sup>19</sup> See Footnote 17 regarding appointing individuals in the event of vacancies.

- iii. At the first meeting of initial members of the New Union District Board:
  - a. The members shall elect a Chair of the Board and Clerk of the Board.
  - b. The members of the former Transitional Board shall present the draft Fiscal Year 2020 budget to the New Union District Board required in Article 9(D)(i) together with any supporting data or other documentation.

#### **E. Preparation and Presentation of Proposed Fiscal Year 2020 Budget**

Pursuant to the provisions of Title 16, V.S.A., the New Union District Board shall prepare and distribute a proposed Fiscal Year 2020 budget (academic year 2019-2020) and the voters of the New Union District shall vote, at a special meeting of the district that the Board warns for the purpose, to appropriate the sums necessary to meet the district's expenses.

#### **Article 11. Representation on New Union District Board – On and After the District's Annual Meeting in 2020**

*[AOE suggests: ONLY VOTERS CAN AMEND Article 11 in order to provide the same protections to voters that 16 V.S.A. § 706n and related statutes provide to voters in a voluntary merger]*

The New Union District Board shall be composed of individuals elected pursuant to the "Hybrid Model" of board representation, in the numbers and allocation set forth for election of the initial members under Article 10(A), unless and until the voters of the New Union District amend this Article 11.

*Except as provided for the election of the initial members of the New Union Board in Article 10(B), each New Union District Board member shall serve for a period of three (3) years or until his or her successor is elected and qualified, as required by Vermont law.*

Each member of the New Union Board who serves after the expiration of terms of the initial Board members, shall be elected at an annual or special meeting of the New Union District. Terms of office shall begin and expire on the date of the New Union District's annual meeting. In the event the New Union District's annual meeting precedes Town Meeting Day, the terms of each Board member shall begin and expire on Town Meeting Day.

If the voters amend this Article 11, the amendment shall ensure that the terms of office are staggered as required by law.

## **Article 12 – Commencement of Operations**

**[Article 12 CANNOT BE AMENDED by SCHOOL BOARD or VOTERS; provisions conform to existing law]**

The New Union District, through its Board, has and shall exercise all of the authority that is necessary for it to prepare for full educational operations beginning on July 1, 2019. On or before June 30, 2019, the New Union District Board shall perform all planning, transitional, and other related duties necessary to begin operations of the New Union District on July 1, 2019, including preparing for and negotiating contractual agreements, and transacting any other lawful business that comes before the Board, provided however, that the exercise of such authority by the New Union District shall not be construed to limit or alter the authority or responsibilities of each Forming District, which shall remain responsible for providing for the education of its resident students until July 1, 2019.

## **Article 13 – Dissolution of Forming Districts; Supervisory Union**

**[Article 13 CANNOT BE AMENDED by the SCHOOL BOARD or VOTERS; provisions conform to existing law]**

### **A. Dissolution of Forming Districts**

On July 1, 2019, when the New Union District becomes fully operational and is solely responsible for providing for the education of its resident students, the Forming Districts shall cease all educational operations and shall remain in existence for the sole purpose of completing any audits. Such business shall be completed as soon as possible; provided, however, that upon completion or on December 31, 2019, whichever is earlier, the New Union District shall supplant the Forming Districts and the Forming Districts shall cease to exist.

### **B. Supervisory Union**

*Use whichever paragraph is appropriate:*

The Vermont State Board of Education assigns the New Union District to the \_\_\_\_\_ Supervisory Union pursuant to 16 V.S.A. § 706(h) as of the date of these Articles. *[use if the New Union District would be one district within a larger SU, even if all Forming Districts are members of that SU]*

**OR**

The Vermont State Board of Education assigns the New Union District to the \_\_\_\_\_ Supervisory Union pursuant to 16 V.S.A. § 706(h) as of the date of these Articles until the New Unified District is fully operational on July 1, 2019.

The Vermont State Board of Education designates the New Unified District a supervisory district pursuant to 16 V.S.A. § 261(c) as of July 1, 2019. The \_\_\_\_\_ Supervisory Union (the “SU”) will transfer its funds, debt, and property to the New Unified District in the same manner as the Forming Districts in **Articles 5 and 6**. The SU shall cease to exist on December 31, 2019. *[use if the New Union District will become its own, single-district SU (i.e., a supervisory district)]*

## Article 14 – Amendments

### A. Authority to Amend Articles<sup>20</sup>

- i. The substance of the following Articles cannot be amended by the electorate of the New Union District, the elected board of the New Union District, the Transitional Board, or the electorate or board of any Forming District, except as expressly authorized by the Vermont General Assembly:
  - Initial Paragraph (statement of creation)
  - Article 1, Paragraph (A) (identity of Forming Districts)
  - Article 5 (financial transfer to New Union District)
  - Article 6, Paragraph (A) (real property transfer to New Union District)
  - Article 7 (continuity of contractual obligations)
  - Article 8 (organizational meeting for the new district)
  - Article 9 (transitional board to warn special meetings and prepare first draft of FY2020 budget until first board is elected)
  - Article 10 (initial board membership – hybrid model; two seats per town)
  - Article 12 (initial board must prepare for full operations)
  - Article 13 (dissolution of Forming Districts; SUs if applicable)
  - This **Article 14, Paragraph (A)(i)**
  - Article 14, Paragraph (B) (processes by which articles are amended)

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<sup>20</sup> As mentioned in the initial note to this draft of the default articles, this section will be completed and the words in **GREEN CAPS** will be deleted when the State Board makes a final determination about amend-ability of each article.

- ii. The substance of the following Articles can be amended only by a majority of the voters of the New Union District present and voting at an annual or special meeting of the District warned to address this issue:
  - Article 1, Paragraph (C) (towns of residence for which New Union District is responsible); provided, however, that such amendment must proceed pursuant to 16 V.S.A. § 721 or § 724.
  - Article 4, Paragraph(B) (building closure requires approval by voters of district in 2021-2022 and in all years after)
  - Article 6, Paragraph (B) (sale of building to town for \$1 in all years in the future)
  - Article 6, Paragraph (C) (sale of existing union school building, if any, in all years in the future)
  - Article 11 (representation on school board continues as hybrid model with two seats per town unless changed by the voters)
  - **This Article 14, Paragraph (A)(ii)**
- iii. The substance of the following Articles can be amended only if approved by the voters of each town identified in Article 1(C):
  - Article 2 (continuity of grades operated / tuitioned in 2019-2020 and 2020-2021)
  - Article 3, Paragraph (A) (continuity of attendance lines in 2019-2020 and 2020-2021)
  - Article 3, Paragraph (B) (continuity of grade configurations in 2019-2020 and 2020-2021)
  - Article 4, Paragraph(A) (building can be closed in 2019-2020 and 2020-2021 only if affected town voters approve)
  - **This Article 14, Paragraph (A)(iii)**
- iv. The substance of the following Articles can be amended by the Board of the New Union District; provided, however, that the Board may present questions to the voters, either in the Board's discretion or upon petition of the voters:
  - Article 1, Paragraph (B) (name of New Union District)
  - **This Article 14, Paragraph (A)(iv)**

## B. Process for Amending Articles of Agreement

**[Article 14(B) CANNOT BE AMENDED by SCHOOL BOARD or VOTERS; provisions conform to existing law]**

- i. Amendments Presented to the Electorate for a Vote **on or before [the date that is 90 days after the final plan is issued]**: At a meeting warned by the Transitional Board pursuant to Article 9(D)(ii)(b), any proposed amendments to the Articles of Agreement developed pursuant to 2016 Acts and Resolves No. 46, Sec. 10, as amended by 2017 Acts and Resolves No. 49, Sec. 8, shall be presented to the voters pursuant to the process set forth in subsection (d)(1)-(2), which states:
  - (1) *After the State Board of Education issues the statewide plan ..., districts subject to merger shall have 90 days to form a committee with members appointed in the same manner and number as required for a study committee under 16 V.S.A. chapter 11, and which shall draft Articles of Agreement for the new district. During this period the committee shall hold at least one public hearing to consider and take comments on the draft Articles of Agreement.*
  - (2) *If the committee's articles are not approved within the 90 day period, then the provisions in the State Board's default articles of Agreement included in the statewide plan shall apply to the new district.*<sup>21</sup>
- ii. Amendments Presented to the Electorate for a Vote **later than [the date that is 90 days after final plan is issued]**: At an annual or special meeting warned for the purpose, any proposed amendments to the Articles of Agreement shall be presented to the voters pursuant to the process set forth in 16 V.S.A. chapter 11.

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<sup>21</sup> The lead-in language to subdivisions (1) and (2), which is not directly applicable to this Article 13, is as follows:

*(d) The statewide plan required by subsection (b) of this section shall include default Articles of Agreement to be used by all new unified union school districts created under the plan unless and until new or amended articles are approved.*

## TIMELINE OVERVIEW

*based on draft default articles of agreement and legislative deadlines*

**State Board's Final Plan** – November 30, 2018 – deadline by which State Board must issue its final statewide plan

- State Board has indicated desire to issue it in late October
- “**Date X**” – actual date on which State Board issues its final statewide plan

**Organizational Meeting** – Date X + 60 days – deadline by which Secretary of Education warns and convenes Organizational Meeting at which, among other things (See Art. 8):

1. Transitional Board is sworn in and begin duties
  2. Voters decide if budgets will be voted by Australian ballot
  3. Voters decide if elections will occur by Australian ballot
- Superintendent posts warning for Organizational Meeting 30-40 days in advance
  - If State Board issues final statewide plan in late October, then the Organizational Meeting could occur in early December

**First Meeting of Transitional Board** – deadline is Organizational Meeting Date + 14 Days – deadline by which Superintendent convenes first meeting of Transitional Board at which, among other things, Board members:

1. Elect Chair and Clerk of Transitional Board
2. Warn special meeting of the District for the voters to vote whether to amend Articles [*if Act 49 group has been created*] –
  - Deadline for Vote per Act 49 = Date X + 90 days
  - Vote to amend under Act 49 is preceded by 30-40 day warning period
  - Superintendent should consider convening first meeting of Transitional Board to occur on the same day as (and immediately after) the Organizational Meeting, especially if s/he expects that a vote to amend under Act 49 is likely

*[Can also amend at any time in future per process in 16 VSA ch. 11]*

**Additional explicit duties of Transitional Board** – performed before election of initial members of the New Union District Board, but not necessarily at first meeting of Transitional Board:

3. Prepare first draft of proposed FY 2020 budget for the New Union District, which Transitional Board provides to initial New Union District Board at District Board's first meeting
4. Warn special meeting of the District to elect initial members of New Union District Board – probably on Town Meeting Day, March 5, 2019
5. Perform other duties necessary to begin to transition the New Union District to full operations on July 1, 2019

**(Potential) Special Meeting of the District** – deadline is Date X + 90 days – if an Act 49 group is created, voters can vote whether to amend Articles before begin full operations on July 1, 2019

- As enacted by the Legislature, a vote to amend under Act 49, Sec. 8 cannot occur on TMD 2019, even if State Board does not issue the final statewide plan until the last day permitted (November 30) because TMD is more than 90 days after November 30

**Special Meeting of the District** – Probably on Town Meeting Day, March 5, 2019 – to elect initial members of New Unified District Board

- Vote is preceded by 30-40 day warning period
- Petitions for candidates if election by Australian ballot (at org mtg):
  - Only signed by residents of Town to which seat is allocated
  - Filed with Town Clerk for town to which seat allocated
    - deadline for petitions:
      - § 706k(b) – by 5 p.m. on 6<sup>th</sup> Monday before vote (if TMD – January 28)
      - (§ 706e, initial bd in voluntary merger, requires 30-40 days before vote; January 28 = 36 days before vote)
    - Within 7 days after deadline: town clerks send names to District clerk for compilation into ballot

**First Meeting of Initial Board of New Union District** – deadline is Election Date + **14** days – deadline by which Superintendent convenes first meeting of Initial Board at which, among other things, Board members:

1. Are sworn in and assume duties
2. Elect Chair and Clerk of New Union District Board
3. Receive and consider draft proposed VY2020 budget prepared by Transitional Board

**Additional explicit duties of Initial Board** – performed before July 1, 2019, but not necessarily at first meeting of Board:

4. Revise and adopt draft proposed FY2020 budget
5. Warn special meeting of the District to vote on proposed FY2020 budget
6. Perform other duties necessary to transition New Union District to full operations on July 1, 2019

**Special Meeting of the District** – recommended to be no later than May 1, 2019 – to vote on proposed FY2020 budget for New Unified District

- Vote is preceded by 30-40 day warning period

**July 1, 2019** – New Union District assumes full responsibilities for resident students and Forming Districts cease to exist except to finalize audits as necessary