



219 North Main Street, Suite 402
Barre, VT 05641 (p) 802-479-1030 | (f) 802-479-1835

To: Representative Kathryn Webb, Chair, House Committee on Education

From: Emily Simmons, General Counsel, and Donna Russo-Savage, Staff Attorney

Date: May 8, 2019

Re: State Board of Education–created union school districts; status

You asked us for information regarding the readiness of each of the following 11 union school districts to assume full operations on July 1, 2019:

1. The Barre Unified Union School District
2. The Enosburgh–Richford Unified Union School District
3. The Lamoille South Unified Union School District
4. The Missisquoi Valley School District
5. The Oxbow Unified Union School District
6. The Washington Central Unified Union School District
7. The Windham Southeast School District
8. The Lake Region Union Elementary–Middle School District (PreK-8)
9. The Orleans Southwest Union Elementary School District (PreK-6)
10. The Southwest Vermont Union Elementary School District (PreK-6)
11. The Windham Northeast Union Elementary School District (PreK-8)

We have also provided information regarding:

- The Northern Mountain Valley Unified Union School District, which the State Board enlarged by merger with the Montgomery and Sheldon School Districts
- The four remaining Modified Unified Union School Districts, which the State Board conditionally enlarged to include the “non-member elementary districts” as full members

Organizational Meeting

16 V.S.A. §§ 706i and 706j require newly-formed union school districts to convene an organizational meeting at which the district’s voters elect a district moderator, clerk, and treasurer; adopt Robert’s or other rules of order to govern district meetings; establish the date of the district’s annual meeting; and determine other preliminary matters.

The State Board-issued Default Articles of Agreement (Default Articles) required each of the 11 new union districts formed by the Board’s November 28, 2018 Order to convene an organizational meeting on or before January 29, 2019. (Article 8)

Although the voters in most of the newly formed districts adjourned the organizational meetings to a future date, all but one of the districts concluded the § 706j–required business by

April 8. The voters of these districts also determined whether future votes to elect board members and other officers, to approve budgets, and other public questions would proceed by Australian ballot.

Union School District	Final Adjournment of Organizational Meeting
1. Barre Unified Union School District	January 10
2. Enosburgh–Richford Unified Union School District	April 11
3. Lamoille South Unified Union School District	January 14
4. Missisquoi Valley School District	March 21
5. Oxbow Unified Union School District	March 25
6. Washington Central Unified Union School District	April 8
7. Windham Southeast School District	April 2
8. Lake Region Union Elementary–Middle School District	March 15
9. Orleans Southwest Union Elementary School District	March 15
10. Southwest Vermont Union Elementary School District	February 26
11. Windham Northeast Union Elementary School District	<i>no final adjournment</i>

The Windham Northeast Union Elementary School District recessed its organizational meeting on April 10, with no established date-certain to reconvene.

Initial Board Members

In order to meet the Legislature’s July 1, 2019 deadline for the newly formed districts to be fully operational, the Default Articles established a transitional board consisting of members of the current boards of the merging districts.

Transitional board member were sworn in at approximately the same time as the organizational meeting occurred in ten of the newly formed districts. The Windham Northeast Union Elementary School District has not sworn in the members of its transitional board.

The transitional board has three primary functions—one of which is to warn the meeting at which the voters will elect the initial board members. Title 17 requires the transitional board to publish and post the warning 30-40 days in advance of the vote. If the voters voted to elect board members by Australian ballot, then approximately two additional weeks must be added to the timeline so that prospective board members can file the petitions of candidacy.

All but one of the newly formed districts have elected their initial board members or have scheduled a vote of the electorate to do so by May 21.

Union School District	Election of Initial Board Members	Australian Ballot or Floor Vote for Election
1. Barre Unified Union School District	April 9	Australian
2. Enosburgh–Richford Unified Union School District	May 21	Australian
3. Lamoille South Unified Union School District	April 9	Australian
4. Missisquoi Valley School District	April 30	Australian
5. Oxbow Unified Union School District	May 7	Floor
6. Washington Central Unified Union School District	May 21	Australian
7. Windham Southeast School District	May 21	Australian
8. Lake Region Union Elementary–Middle School District	April 22	Floor
9. Orleans Southwest Union Elementary School District	April 22	Floor
10. Southwest Vermont Union Elementary School District	April 23	Australian
11. Windham Northeast Union Elementary School District	<i>no warning of board election</i>	<i>no vote to choose AB or FV</i>

The Windham Northeast Union Elementary School District has not: (i) determined whether elections will proceed by Australian ballot or from the floor; (ii) sworn in and seated its transitional board; or (iii) warned a special meeting of the voters to elect the initial board members.

Budget for Fiscal Year 2020

The transitional board’s second primary duty is to begin the work necessary to assist the Initial Board to create a proposed FY2020 budget to present to the voters. (Article 9)

The Default Articles require the elected members of the Initial Board: (i) to receive the draft proposed FY 2020 budget from the transitional board at the Initial Board’s first meeting; (ii) to prepare a proposed budget; and (iii) to warn a special meeting of the voters to vote on the proposed budget. (Article 10(D)(iii)(b) and (E)) Title 17 requires the Initial Board to publish and post the warning 30-40 days in advance of the vote.

Budget votes cannot be warned in those districts that have not yet voted to elect the Initial Board members. (See table above) As of the date of this memo, FY2020 budgets have been warned *or are anticipated to be warned* for the following dates in ten of the eleven newly formed districts.

Union School District	Warned Budget Vote (or anticipated date of vote)	Australian Ballot or Floor Vote for Budget
1. Barre Unified Union School District	May 14	Australian
2. Enosburgh–Richford Unified Union School District	(~June 27)	Australian
3. Lamoille South Unified Union School District	May 28	Australian
4. Missisquoi Valley School District	June 11	Australian
5. Oxbow Unified Union School District	(~June 17)	Floor
6. Washington Central Unified Union School District	(~June 25)	Australian
7. Windham Southeast School District	(~June 25)	Floor
8. Lake Region Union Elementary–Middle School District	June 3	Floor
9. Orleans Southwest Union Elementary School District	May 28	Australian
10. Southwest Vermont Union Elementary School District	June 11	Australian
11. Windham Northeast Union Elementary School District	<i>no warning of budget vote</i>	<i>no vote to choose AB or FV</i>

The Windham Northeast Union Elementary School District has not warned a vote on the proposed budget or completed the necessary precursors to that action. (See final paragraph of previous topic)

Amendments

Act 49, Sec. 8 (which amended Act 46, Sec. 10), provided a streamlined process by which the voters could amend the Default Articles prior to July 1, 2019. Warning the vote to occur by February 28 on any proposed amendment was the third and final specific duty that the Default Articles assigned to the transitional board.

In newly formed districts that did not meet the February 28 deadline, it is still possible for the voters to amend the Default Articles prior to July 1 pursuant to 16 V.S.A. § 706n; Act 49, Sec. 8; and the Default Articles at Article 14.

As of the date of this memorandum, voters have approved amendments in three newly formed districts:

- The Barre UUSD: February 19
- The Lamoille South UUSD: February 26
- The Missisquoi Valley School District: April 30

The board of the Orleans Southwest UESD has warned a vote on amendments for May 28, the date of the newly formed district's budget vote.

We are not aware that any other district has warned – or intends to warn – a vote on proposed amendments.

Enlarged and Conditionally Enlarged Districts

Enlarged District

The board of the Northern Mountain Valley UUSD, as enlarged by merger with the Montgomery and Sheldon School Districts, has members residing in all four towns and has warned a vote on its FY2020 budget to occur on May 21, 2019 by Australian ballot.

Conditionally Enlarged Districts

The State Board required the “non-member elementary district” (NMED) of each of the four remaining Modified Unified Union School Districts (MUUSD) to merge into its respective MUUSD, *but only if* the MUUSD voters agreed before July 1, 2019 to accept the NMED as a full member. The State Board's Order did not require the MUUSD board to warn such a vote. After July 1, 2019 under current law, the NMED would merge into its MUUSD only by following the two-step voting process in 16 V.S.A. § 721 that requires a favorable vote by (i) the voters of the MUUSD and (ii) the voters of the NMED.

The Lamoille North MUUSD & the Cambridge Elementary School District (PreK-6):

The MUUSD voters rejected a proposal to include Cambridge as a full PreK-12 member. We are not aware that the MUUSD board intends to ask the voters to reconsider the vote pursuant to 17 V.S.A. § 2661. It is likely that if merger occurs, then it will be through the two-part process of 16 V.S.A. § 721.

The Mount Mansfield MUUSD & the Huntington School District (PreK-4): The MUUSD has warned a vote on June 6 for the MUUSD voters (including those residing in Huntington, which is a member of the MUUSD for grades 5–12) to decide whether to accept Huntington as a full, PreK-12 member.

The Mount Mansfield MUUSD has passed a FY2020 budget. That budget is a valid for the district, with or without Huntington as a full PreK-12 member. If the voters approve Huntington's full membership, then the voters can vote to increase the approved FY2020 budget by the amount necessary to include Huntington. (17 V.S.A. § 2661)

The West River Modified Union Education District and the Windham School

District (PreK-6): On March 5, the voters of the Windham School District voted to withdraw from the Leland and Gray Union High School District (the UHSD) pursuant to 16 V.S.A. § 721a. The UHSD was one of the districts that merged to form the West River Modified Union Education District (MUUSD). The Secretary of State's Office provided notice of the vote on April 25. Section 721a requires the voters of each town within the UHSD to vote by July 23 whether to accept Huntington's withdrawal from the union high school district. Withdrawal would be ratified only if the voters in each town independently approve it, on a town-by-town basis.

In connection with the State Board's Order, the MUUSD board plans to warn a vote of the MUUSD on June 11: (i) to accept Windham as a full PreK-12 member; and (ii) to augment the MUUSD's approved FY2020 budget to include costs associated with Windham.

The Windsor Central MUUSD and the Barnard School District (PreK-6): We do not know whether the MUUSD board will warn a vote to accept Barnard as a full PreK-12 member. Unless the board posts a warning within approximately three weeks, merger could only occur pursuant to the two-part process of 16 V.S.A. § 721.