

# The Missisquoi Valley School District

## Articles of Agreement

Pursuant to the State Board of Education's final Statewide Plan dated November 28, 2018 and issued on this 30th day of November, 2018 as required and authorized by 2015 Acts and Resolves No. 46, Sec. 10(b), as amended ("Act 46"), the Missisquoi Valley School District (New Union District) is created to provide for the prekindergarten through grade 12 education of its resident students.

### Article 1 – Creation of New Union District

#### A. Forming Districts

The Franklin School District, the Highgate School District, the Swanton School District, and the Missisquoi Valley Union High School District (collectively "the Forming Districts") are merged to create the New Union District.

#### B. Temporary Legal Name

The New Union District shall be known by the name "The Missisquoi Valley School District, (MVSD)."

#### C. Resident Students

The Missisquoi Valley School District is responsible for the prekindergarten through grade 12 education of students residing in the towns of Franklin, Highgate, and Swanton.

### Article 2 – Grades Operated

The Missisquoi Valley School District shall operate schools from PK through 12<sup>th</sup> grades in the configuration which the Forming Districts operated schools in academic year 2018-2019.

### Article 3 – Attendance

As of July 1, 2019, each student in the grades for which the Missisquoi Valley School 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 MVSD Board may grant a parent's or guardian's request for student enrollment in a different school operated by the Missisquoi Valley School District based on a policy of limited school choice.

### Article 4 – Restructuring of Grade Configurations /Closure of School Buildings

#### A. Restructuring of Grade Configurations

- 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, prekindergarten through grade 12, operated at one or more schools requiring children in the grade or grades to attend classrooms in a different school.
- ii. The Missisquoi Valley School District Board shall not restructure the grade configuration of any school building conveyed to it by a Forming District without the approval of the electorate of the Town in which it is located.

## B. Closure of School Buildings

- i. The Missisquoi Valley School District shall not close any school building conveyed to it 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 a  $\frac{3}{4}$  vote of the Missisquoi Valley School District Board, and approved by a majority of the voters residing in the town in which the school is located. At least one district-wide informational meeting will be held, followed by two informational meetings held in the town where the school is located.
- ii. Moving all grades to another school or schools would be considered “closure” and so would be subject to these protections identified in Article 4 Bi., even if the school were to be used for another school related purpose

## Article 5 – Finances

### A. Indebtedness, Including Capital Debt

The Missisquoi Valley School 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 Missisquoi Valley School 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 Missisquoi Valley School 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 Missisquoi Valley School District on or before June 30, 2019 in accordance with procedures and timelines established by the Board. Dedicated funds such as scholarships and endowments shall remain committed for their original purpose in accordance with policies of the Missisquoi Valley School District Board.

## Article 6 – Real and Personal Property

### A. Transfer of Property to the Missisquoi Valley School District

No later than June 30, 2019, the Forming Districts shall convey to the Missisquoi Valley School 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

*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 Missisquoi Valley School 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 Missisquoi Valley School District, then the MVSD 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 Missisquoi Valley School 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 Missisquoi Valley School District shall sell the property pursuant to Vermont statutes and upon such terms and conditions as established by the Board.

### C. Subsequent Sale of Real Property Conveyed by Forming District that was a Union School District, in Any Year in the Future

Notwithstanding Paragraph (B) of this Article 6, 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 Missisquoi Valley School 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 Missisquoi Valley School District, then the MVSD shall sell the property pursuant to Vermont statutes and upon such terms and conditions as are established by the Missisquoi Valley School District Board.

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

In academic year 2019-2020, and in accordance with 16 V.S.A.723, the Missisquoi Valley School 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 Missisquoi Valley School 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 Missisquoi Valley School District 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 Missisquoi Valley School District shall comply with the pre-existing master agreements pursuant to 16 V.S.A. Chapter 53, subchapter 3.

The Missisquoi Valley School District shall honor all individual employment contracts that are in place in the Forming Districts on June 30, 2019 until their respective termination dates; provided, however, that if a Forming District enters into the contract on or after November 1, 2018, then this paragraph shall apply only if the contract expires on or before July 1, 2020.

## Article 8 – Missisquoi Valley School District Board of School Directors – Initial Members

### A. Initial Representation on Missisquoi Valley School District Board

The members of the Missisquoi Valley School District Board shall be composed of a total of nine (9) individuals elected pursuant to the “Hybrid Model” of board representation, which the United States District Court for the District of Vermont has endorsed as meeting constitutional requirements of proportionality.<sup>2</sup>

Three 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 Missisquoi Valley School District.

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

The terms of office for the initial members of the Missisquoi Valley School District Board elected at the meeting warned for that purpose by the Transitional Board are as follows

Town	Term ending Spring 2020	Term ending Spring 2021	Term ending Spring 2022
Franklin	1	1	1
Highgate	1	1	1
Swanton	1	1	1

<sup>1</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.

<sup>2</sup> *Barnes v. Board of Directors, Mt. Anthony Union High School District*, 418 F. Supp. 845 (D. Vt.

C. Election of the Initial Board Members if the Voters Decide at the Organizational Meeting to Proceed by Australian Ballot

- i. Nominations: Nominations for the office of Missisquoi Valley 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.
- 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 Missisquoi Valley School District elected at the organizational meeting. The MVSD 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 Missisquoi Valley School 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 Missisquoi Valley School 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 Missisquoi Valley School 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 Missisquoi Valley School 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 Missisquoi Valley School District Board, at which time the Transitional Board shall dissolve.
- iii. At the first meeting of initial members of the Missisquoi Valley School 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 MVSD Board 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., Missisquoi Valley School District shall prepare and distribute a proposed Fiscal Year 2020 budget (academic year 2019-2020) and the voters of the Missisquoi Valley School 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.

F. Any amendment to article 8 A., shall require a ¾ vote by the elected members of the MVSD Board and a majority vote by the electorate of the Missisquoi Valley School District.

**Article 9 – Representation on Missisquoi Valley School District – On and After the District's Annual Meeting in 2020**

The Missisquoi Valley School 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 8**.

*Except as provided for the election of the initial members of the MVSD Board in **Article 8(B)**, each Missisquoi Valley School 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 Missisquoi Valley School District Board, who serves after the expiration of terms of the initial Board members, shall be elected at an annual or special meeting of the District. Terms of office shall begin and expire on the date of the Missisquoi Valley School District's annual meeting.

Any amendment to this article shall require a ¾ vote by the elected members of the Missisquoi Valley School District Board and a majority vote by the electorate of the District.

**Article 10 – Commencement of Operations**

The Missisquoi Valley School 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 Missisquoi Valley School District Board shall perform all planning, transitional, and other related duties necessary to begin operations of the Missisquoi Valley School 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 Missisquoi Valley School 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 11 – Dissolution of Forming Districts; Supervisory Union

### A. Dissolution of Forming Districts

On July 1, 2019, when the Missisquoi Valley School 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 on July 1, 2019 and shall remain in existence after that date for no more than six months for the sole purpose of completing any audits or any other task that the Missisquoi Valley School District is legally unable to perform. Such business shall be completed as soon as possible; provided, however, that upon completion or on December 31, 2019, whichever is earlier, the Missisquoi Valley School District shall supplant the Forming Districts and the Forming Districts shall cease to exist.

### B. Supervisory Union

The Vermont State Board of Education assigns the Missisquoi Valley School District to the Franklin Northwest Supervisory Union pursuant to 16 V.S.A. § 706h as of the date of these Articles until the Missisquoi Valley School District is fully operational on July 1, 2019.

The Vermont State Board of Education designates the Missisquoi Valley School District a supervisory district pursuant to 16 V.S.A. § 261(c) as of July 1, 2019. The Franklin Northwest Supervisory Union (the “SU”) will transfer its funds, debt, and property to the Missisquoi Valley School District in the same manner as the Forming Districts in Articles 5 and 6. The SU shall cease to exist on December 31, 2019.

