

TRANSITION TIMELINE - FAQs

For the following Union Districts:

Enosburgh-Richford UUSD; Franklin Northwest UUSD; Orleans Central UESD; Orleans Southwest UESD; Oxbow UUSD; Washington Central UUSD; Windham Northeast UESD; Windham Southeast UUSD

The following responses to frequently asked questions are intended to assist affected districts to adjust to the interim scheduling agreement's postponement of organizational meetings and should not be construed as legal advice.

Districts should consult their own legal counsel in all matters related to the scheduling agreement and the transition to full operations, and the Secretary of State as applicable.

1. **Validity of State Board's Order** – Does the interim scheduling agreement nullify or otherwise invalidate the State Board's Order? Are the New Union Districts dissolved?

Response: No. The organizational meetings of several New Union Districts have been postponed until mid-February under an agreement entered into voluntarily by the parties related to the scheduling of activity in a lawsuit. It is not a ruling of the Court or a "stay" of current law. The only effect on activity in your districts is postponement of the Organizational Meeting.

Unless and until the Court orders otherwise:

- Each New Union District is a legal entity.
 - Each New Union District must be fully operational by July 1, 2019 (with an elected board and voter approved budget).
 - Each New Union District continues to be governed by the same legal requirements that applied prior to the interim scheduling agreement.
 - Each New Union District continues to be governed by the same process, timeline, and expectations that applied prior to the interim scheduling agreement (with the exception of the date of the Organizational meeting).
2. **Cancelling Current Organizational Meeting** – Are there special requirements to follow when cancelling the Organizational Meeting? For example, does the cancellation need to be published in a newspaper?

Response: There are no special requirements under the terms of the agreement. Follow the district's normal process to cancel any annual or special meeting of a school district.

3. **Transitional Board** – Can the members of the Transitional Board be sworn in and begin their duties prior to the Organizational Meeting?

Response: No

4. **Proposed FY2020 Budget –**

- a. **Forming Districts** – Does each Forming District need to prepare and present a FY2020 budget to its respective voters?

Response: No. Under current law, the Forming Districts cease all operations on July 1, 2019 and remain in existence for no more than six months afterwards for the sole purpose of completing any business the New Union District is legally not able to perform. Current law remains in effect unless and until a Court orders otherwise or the Legislature amends or repeals current law.

- b. **New Union District –**

- (1) Does the New Union District need to prepare and present a unified FY2020 budget to its voters?

Response: Yes. Under current law, the New Union District must commence full operations on July 1, 2019. Current law remains in effect unless and until a Court orders otherwise or the Legislature amends or repeals current law.

- (2) The Transitional Board is required to begin preparations on a proposed FY2020 budget for presentation to the Initial Board, once it is elected. The Transitional Board cannot begin to do so until it is sworn in and begins its duties, which the earlier response states cannot occur until the Organizational Meeting – now delayed.

Is there a way to begin work on a unified budget before the Organizational Meeting?

Response: The Transitional Board consists of two members from the board of each Forming District, including any union school district that is a Forming District.

The two members will be the experts on the Transitional Board regarding the needs of the students and school buildings for which the two members are currently responsible. In that capacity, the two members – in consultation with the other members of their current school board – would provide the Transitional Board with the data and other details necessary for the Board to develop a first draft of the proposed FY2020 unified budget for the New Union District.

Nothing precludes the board of a Forming District from beginning or continuing to assess the needs of the students and school buildings in its town and identifying the data and other details its representative members will need when working with other Transitional Board members to prepare the first draft of the proposed unified budget.

5. **Amending Default Articles of Agreement** – Is it possible to amend the default Articles to take effect prior to July 1 if the Organizational Meeting is delayed until mid-February? Only the Transitional Board can warn the Amendment Committee’s proposed amendments and the Transitional Board will not be sworn in until a few days before expiration of the voting deadline under Act 49.

Response: Although the postponement of the Organizational Meeting makes it impossible to warn a vote on proposed amendments prior to the Act 49 deadline, it is still *possible for the voters to approve proposed amendments that will take effect before July 1, 2019* – and it is even possible for those amendments to be identical to what a currently active Amendment Committee is preparing.

The Transitional Board or the Initial Board will present any such proposed amendments to the voters pursuant to the existing authority and process in 16 V.S.A. § 706n, rather than by the new process created in Act 49.

If the Forming Districts created an Amendment Committee, following the State Board’s November 30, 2018 order, nothing in the interim scheduling agreement or otherwise prevents the Committee from continuing to work on a proposal until February 28, when the Committee would cease to exist.

Similarly, nothing prevents the Transitional Board and/or Initial Board from considering proposed amendments prepared by an Amendment Committee.

As an overview:

- Amendment Committee completes proposed amendments by February 28.
- The Transitional Board / Initial Board considers the work of the Amendment Committee and has authority - but is not required - to do any of the following pursuant to 16 V.S.A. § 706n:
 1. Warn proposed amendments (as the proposed amendments of the Board per § 706n) in exactly the same form presented to it by the Amendment Committee – vote before July 1

OR

 2. Warn proposed amendments (as the proposed amendments of the Board per § 706n) in any other form the Board chooses – e.g., by amending the language of the Amendment Committee; deleting language; drafting entirely new language; not addressing certain topics; addressing additional topics; etc. – vote before July 1

OR

 3. Not warn any proposed amendments before July 1

6. **Tuition Rates** – Statutes require districts to announce tuition rates for the coming fiscal year by January 15. Should each Forming District set and announce its own rate? Should the New Union District set and announce a unified rate and – if so, how is it possible to do so by the deadline?

Response:

Under current law, each New Union District will charge a unified kindergarten, elementary, secondary, and CTE tuition rate when appropriate for all of the elementary and/or secondary schools it operates. The boards of the Forming Districts should work together now to establish common FY 2020 tuition rates that can be announced for the schools within the New Union District.

Under current law, each New Union District must commence full operations on July 1, 2019, each Forming District ceases activity on that date, and each *district* – not each *“school”* -- must announce its tuition for the coming fiscal year. Current law remains in effect unless and until the Court orders otherwise or the Legislature amends or repeals current law.

7. **Annual Meeting of Forming Districts** – Do the Forming Districts need to have an annual meeting in 2019? If so, what is covered?

Response: Until July 1, 2019, each Forming District is responsible for the education of students in the grades for which it is organized.

At regular or special meetings in early 2019:

- The board of each Forming District will report on and address issues from the current and previous fiscal years, just as it would do at any annual meeting in any other year.
- The voters of each Forming District will elect new board members to fill any vacant seats so that the school board is fully able to perform its duties. Please discuss the wording of the warning for these positions with your legal counsel and/or the Secretary of State.
- The board will not present, and the voters will not vote on, a budget for the Forming District because – under current law – the Forming District will not be operational in FY2020 and so will have no budget.

See the Post-Merger Tips guidance document regarding the relative authorities and responsibilities of boards during the transitional months, previously provided to you, for more information.