

DAVID F. KELLEY
ATTORNEY AT LAW

1501 SHADOW LAKE ROAD CRAFTSBURY COMMON, VT 05827

January 12, 2019

Donna Waters, COM
Vermont Superior Court
Washington Unit-Civil Division
65 State Street
Montpelier, VT 05602

Re: Athens School District vs. Vermont State Board of Education et al.
Dckt. No. 702-12-18 Wncv

Dear Ms. Waters,

Enclosed please find Appellants-Plaintiffs Motion for an Immediate Status Conference as well as our Motion to Amend in the above captioned matter. The Pownal School District and the Marlboro School District have asked to be parties and myself, Charles Merriman and Ines McGillion have agreed to represent them.

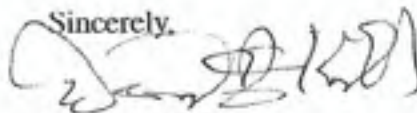
All parties recognize the urgency of time in this matter. The request by the Attorney General's office to have Judge Teachout be recused will cause potentially difficult delay, further shrinking the window of time to consider Appellants-Plaintiffs Motion for a Preliminary Injunction.

I have signed Ines McGillion's name to these motions with her permission. I was unable to reach Charles Merriman over the weekend and therefore have not signed his name. I believe time is so much of the essence here that I felt it was important to submit the Motion for an Immediate Status Conference as soon as possible.

I am attaching the pages that have been changed as explained in the Motion to Amend as well as a complete copy of the amended Appeal and Complaint.

As always, we appreciate your assistance in this matter.

Sincerely,



David F. Kelley
1501 Shadow Lake Road
Craftsbury Common, VT 05827
davidkelley05602@gmail.com
802 249 8262

cc: David Boyd, Eleanor Spottswood and Jon Alexander, Office of the Attorney General

VERMONT SUPERIOR COURT

STATE OF VERMONT
Washington County

CIVIL DIVISION
Docket No. 702-12-18 Wncv

Athens School District et al. :

Appellants-Plaintiffs,

v. :

Vermont State Board of Education et al. :

:

Appellees-Defendants. :

CERTIFICATE OF SERVICE

I, David F. Kelley, hereby certify that I have this day served a copy of the attached Appellants-Plaintiffs' Motion to Amend together with Appellants-Plaintiffs' Motion for Immediate Status Conference in the above captioned matter by hand delivering a copy of said memorandum to David Boyd, Jon Alexander and Eleanor Spottswood at the Vermont Attorney General's office at 109 State Street, Montpelier, Vermont.

Dated at Greensboro, Vermont, this ^{3rd} ~~14th~~ day of January, 2019.



David F. Kelley
1501 Shadow Lake Road
Craftsbury Common, VT 05827
davidkelley05602@gmail.com
802 249 8262

VERMONT SUPERIOR COURT

STATE OF VERMONT
Washington County
Wncv

CIVIL DIVISION
Docket No. 702-12-18

Athens School District et al. ;
Appellants-Plaintiffs,

v. :

Vermont State Board of Education et al. ;
Appellees-Defendants.

MOTION FOR IMMEDIATE STATUS CONFERENCE

The Appellants-Plaintiffs respectfully request that the Court schedule a status conference in this matter as soon as possible.

In support of this motion Appellants-Plaintiffs offer the following memorandum:

**MEMORANDUM IN SUPPORT OF MOTION FOR IMMEDIATE STATUS
CONFERENCE**

The Court should immediately schedule a status conference for two reasons: (1) Defendants have made an unprecedented request for the presiding Judge to disqualify herself—a request that risks significant delay in the resolution of Appellants' pending expedited motion for a preliminary injunction and stay; and (2) Defendants are actively interfering with the Appellant school boards' statutory duties to warn and present a budget at Town Meeting Day on March 5, 2019. The Appellant school boards have an immediate need to know when their expedited motion will be ruled upon by the Court, and whether a motion for a Temporary Restraining Order will now be required to obtain a ruling in time for it to be meaningful.

- 1. Defendants are delaying resolution of this matter by improperly requesting the disqualification of Judge Teachout without any legitimate basis for doing so.*

In what may be the first instance ever of the Vermont Attorney General moving to disqualify a sitting trial court judge (the undersigned counsel are unaware of this ever happening before), Defendants fail to explain why Judge Teachout should be disqualified. Defendants' motion for disqualification is premised entirely on the fact that one of Judge Teachout's adult daughters, Woden Teachout, is: (1) a member of one of the 31 school boards that are Appellants here; and (2) has published a book that supports local democracy and that opposes centralized decision-making because it suppresses democratic engagement. Neither of these facts creates a conflict of interest that would prevent Judge Teachout from ruling on this matter in a fair and impartial way.

First, Defendants misinterpret Canon 3.E.1 of the Vermont Code of Judicial Conduct. According to Defendants, that Canon "appears to be directly on point here" because "it applies where 'a person within the fourth degree of relationship' to the assigned judge is 'an officer, director or trustee of a party,'" and Woden Teachout "is a member of the Board 'of a party.'" Defendants' Motion to Disqualify at 1 (quoting Vt. Code of Judicial Conduct Canon 3.E.1.d.i). Defendants' argument takes the phrase "officer, director or trustee" entirely out of context by applying it to a volunteer member of a local school board with no financial interest in the matter. As the U.S. Supreme Court has held, conflicts-of-interest policies are focused on situations where a judge has a "direct, personal, substantial, *pecuniary* interest." *Aetna Life Ins. Co. v. Lavoie*, 475 U.S. 813, 822 (1986) (emphasis added); *see also, e.g.*, Judicial Code of Conduct Canon 4.D.3 (prohibiting a judge from serving "as an officer, director, manager, general partner, advisor or employee *of any business entity*" (emphasis added)). Neither Judge Teachout nor her daughter has a financial interest in the outcome of this case. Further, Defendants ignore the

fact—disclosed by Judge Teachout to all of the parties—that Woden Teachout is leaving the Middlesex School Board *next month*, long before this matter will be resolved by the Court.

Second, Defendants make the unprecedented claim that Judge Teachout should be disqualified because her daughter Woden has published a book that supports local democracy and opposes centralized decision-making because it suppresses democratic engagement. To begin, it is obviously entirely irrelevant what the adult child of a Judge says in a published book, and Defendants do not cite a single Judicial Canon or case supporting their novel assertion that the writings of a Judge’s adult child necessarily bias the Judge. Also, Defendants incorrectly claim that the preface to that book (which is not even by Woden Teachout, but is instead by her co-author Susan Clark) rails against Act 46. According to Defendants:

In the preface to Slow Democracy, Ms. Teachout’s Co-Author, Susan Clark describes getting to know Ms. Teachout primarily by attending board meetings to “speak out” against the potential consolidation of the Middlesex School District after Act 46 was passed. See Susan Clark & Woden Teachout, Slow Democracy, xiv (2012). Defendants’ Motion to Disqualify at 2 (emphasis added).

Defendants should pay closer attention to the date they placed in the above citation: the book *Slow Democracy* was published in 2012, three years before “Act 46 was passed.” While the book discusses previous laws on school consolidation, and explains how all forms of school governance consolidation harm democracy, this 2012 book does not opine on a law that would not come into existence until three years later.

In short, there is no legitimate basis for disqualifying one of the most experienced trial court judges in the State—a Judge who has impeccable integrity and stands ready to hear this matter on an expedited schedule. Yet that is what Defendants have requested. Appellants, on the other hand, believe there is no conflict, and have submitted all of the requested waivers of any

potential conflict that any party might assert. Appellants believe Judge Teachout would preside over this matter, as she does on all matters, in a fair and unbiased way.

Appellants will happily go before whatever Judge is able and ready to hear the serious constitutional and statutory claims presented in this Appeal. Most imperative is having a Judge *now*. This matter cannot be delayed, and Appellants oppose anything that would delay the speedy resolution of Appellants' pending expedited motion for a preliminary injunction and stay. If Defendants' meritless motion to disqualify leads Judge Teachout to recuse herself from this matter, Appellants respectfully request that the matter be reassigned immediately and that the new Judge schedule a status conference this week to determine the schedule for this case.

II. Defendants are actively interfering with the Appellant school boards' statutory duty to warn and present a budget at Town Meeting Day on March 5, 2019, and Appellants need to know when the Court will rule on the pending expedited motion.

Appellants also request an immediate status conference (either with Judge Teachout or, if she recuses herself, with the new presiding Judge) this week to address an immediate need to know the schedule for resolving Appellants' pending expedited motion for a preliminary injunction and stay. Defendants have been and are actively interfering with the Appellant school boards' statutory duty to warn and present a budget at Town Meeting Day on March 5, 2019. This has created enormous confusion and distress among the Appellant school boards and their respective Town Clerks and citizens. Vermont law explicitly requires a vote on school budgets on Town Meeting Day: "At each annual town school district meeting, the electorate *shall* vote such sums of money as it deems necessary for the support of schools." 16 V.S.A. § 428 (emphasis added); *see also id.* § 422 ("The annual town meeting *shall* be the annual town school district meeting." (emphasis added)). Thus, the Appellant school districts are under a legal

obligation to present school budgets for a vote on Town Meeting Day, which for many towns requires finalizing budgets for publishing in Town Meeting Day reports *by the end of January*.

While some Appellant school districts are proceeding on this schedule, others are being told by Defendants that they are *prohibited* from holding a school budget vote on Town Meeting Day. According to Defendants, only the new, as-yet-unformed boards can present a vote on next year's budget. This makes no sense. If the CEO of a company decides she is resigning on July 1, 2019, she would still create a budget for the next fiscal year even though someone else will be CEO at that time. Budgeting for next year must be finalized *now*, and the only legal entities that can do so are the local school boards. As it turns out, they each have a few decades—or in many cases, centuries—of experience doing precisely that. We should let them keep doing it. But to do so, we need an immediate status conference to resolve the schedule for resolving this matter.

Counsel is appending to this memorandum as Attachment A a copy of an email sent to counsel by the Chair of the Lakeview School Board. This is an email that was sent to the Chair from the CFO of the Orleans Southwest Supervisory Union informing the Chair that he, the CFO, has been told by Vermont's Agency of Education that he is not to create individual budgets for districts. See Attachment A.

Also attached to this memorandum as Attachment B is a guidance document (Transition Timeline-FAQs) from the Vermont Agency of Education dated January 9, 2019 wherein the Agency (at number 4) in contravention of Vermont law directs financial officers and boards not to create district budgets but to create new merged budgets. Furthermore, the Agency says, on the one hand, at paragraph 4 of Attachment B that existing (forming) districts don't exist for the purpose of presenting a budget as required by law (because these districts are merged per the

Board's November 30th, 2018 order, but then later (at paragraph 7) the guidance document says the existing (forming) districts do exist for the purpose of electing school board members to fill expiring seats.

There is additional confusion about Act 49's ninety day time limit for writing articles of agreement. Please see Attachment C, the Agency of Education's "Annotated Transition Timeline" which at the bottom of page one states "NOTE: Amendment Committee-Act 49 created a special process for amending Articles during the transitional period. The delayed Org Meeting date makes it impossible to meet the Act 49 deadline for a favorable vote of the electorate (February 28, 2019)."

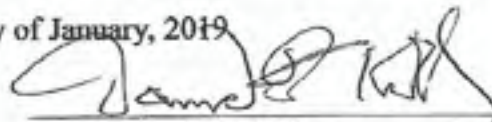
Finally, we have appended Attachments D and E, which are 16 V.S.A. 422 and 16 V.S.A. 428 respectively. These statutes have not been amended nor repealed by Act 46 or Act 49.

Individual district budgets can be merged if a injunction is denied and are available, providing essential information to voters, if it is granted. On the other hand, merged budgets presume a preliminary injunction will be denied and there is no transitional board or merged board in place to approve any such budget.

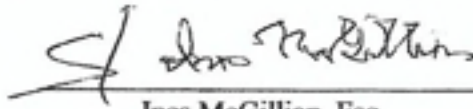
CONCLUSION

For these reasons, Appellants respectfully request that whatever Judge is presiding over this case schedule an immediate status conference this week to address these matters.

Dated at Montpelier, Vermont, this 11th day of January, 2019

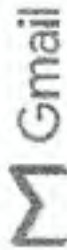


David F. Kelley
1501 Shadow Lake Road
Craftsbury Common, VT 05827
davidkelley05602@gmail.com
802 249 8262



Ines McGillian, Esq.
PO Box 212
Putney, VT 05346
ines@mcgillionlaw.com
802 258 6441

Charles Merriman, Esq.
Merriman and Smart
15 East State Street
Montpelier, VT 05602
Merriman@mslawvt.com
802 917 0587



David Kelley <davidkelley05602@gmail.com>

Fwd: Lakeview budget

2 messages

Victoria Von Hessert <vvhessert@ossu.org>
To: David Kelley <davidkelley05602@gmail.com>

Fri, Jan 11, 2019 at 4:26 PM

----- Forwarded message -----

From: John Smith <jsmith@ossu.org>
Date: Fri, Jan 11, 2019 at 4:12 PM
Subject: Re: Lakeview budget
To: Victoria Von Hessert <vvhessert@ossu.org>
Cc: Joanne LeBlanc <jleblanc@ossu.org >

Victoria

I received very direct guidance from the ACE today. It was clear that we are NOT to create individual budgets for districts involved in mergers. The State Board decision carries the weight of law and until such time there is an order from a court or something out of the legislature we are to proceed only with the state plan. If something happens and there is a change we will have to create budgets then with the individual boards and hold special meetings to vote on them. They were very clear and basically told us we must comply. If you would like to discuss further you can call me on my cell 802-279-3192.

Thank You
John Smith

On Fri, Jan 11, 2019 at 4:02 PM Victoria Von Hessert <vvhessert@ossu.org> wrote:
Hi, all.

Just wanted to check in about whether we are going to see another draft of the Lakeview budget, or if we'll just be discussing possible implications. Many of the other districts who are part of the appeal are creating their regular budgets and proceeding with their regular plan for Town Meeting. I just want to be sure that we are prepared for the possibility of an injunction, which would mean we'd have to be ready to get a budget out to the voters. Wouldn't we be required to present it at our annual meeting, or would we be postponing a budget vote or rescheduling it to meet warning requirements?

Thanks,
Victoria
Thank You

John Smith Jr.

John Smith Jr.

ATTACHMENT

A

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.

ANNOTATED TRANSITION TIMELINE

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

November 30, 2018 – date on which State Board issued its Final Report and Order

Transitional Board – Chair and Clerk of the board of each Forming District, including existing union school districts, or other member(s) of the board selected by a majority of the board (Art 9(A))

Organizational Meeting – February 18, 2018 or as soon thereafter as possible (Art 8; Sched'g Agmt)

- Superintendent works with Secretary of Education to draft Warning
- Secretary signs Warning and returns to Superintendent
- Superintendent posts and publishes Warning 30-40 days in advance
- Secretary or Designee convenes Organizational Meeting of the New Union District
- Business transacted includes:
 - Transitional Board is sworn in and begin duties
 - Voters decide if budgets will be voted by Australian ballot
 - Voters decide if elections will occur by Australian ballot

First Meeting of Transitional Board – unless your legal counsel advises otherwise, this should occur between 2 and 14 days after Org Mtg (Art 9)

- Superintendent convenes first meeting of Transitional Board
- Business transacted at first meeting includes:
 - Elect Chair and Clerk of Transitional Board
- Business transacted at first *and/or subsequent* meetings include:
 1. [Potentially] Warn special meeting of New Union District for voters to vote whether to amend Articles per 16 VSA § 706m effective on or before July 1, 2019 – see note regarding Amendment Committee below
 2. Warn special meeting of the District to elect initial members of New Union District Board – timing governed by warning requirements for elections
 3. Prepare first draft of proposed FY 2020 budget for the New Union District, which Transitional Board will provide to initial New Union District Board at New Union District Board's first meeting
 4. Perform any other duties necessary to begin to transition the New Union District to full operations on July 1, 2019 that must occur before initial Board is elected

Note: Amendment Committee – Act 49 created a special process for amending Articles during the transitional period. The delayed Org Meeting date makes it impossible to meet the Act 49 deadline for a favorable vote of the electorate (February 28, 2019).

It is *possible*, however, (1) to *use the work* of the Amendment Committee and (2) to *adopt* the amendments *before July 1, 2019* pursuant to the pre-existing statute 16 VSA § 706m:

- Amendment Committee completes its proposed amendments by February 28.

- o 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 § 706n:
 1. Warn proposed amendments (as the proposed amendments of the Board per § 706n) in form presented to it by Amendment Committee – vote before July 1

OR

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

OR

 3. Not warn any proposed amendments prior to July 1

[Potential] Special Meeting of the District – to vote on amendments offered by the Transitional Board – see note regarding Amendment Committee above

- Vote is preceded by 30-40 day warning period (16 VSA § 706p)
- If amendments do not involve Board membership, then this vote *could be warned concurrently* with special meeting to elect initial Board Members (see next item)

Special Meeting of the District – to elect initial members of New Unified District Board

If proceeding by Hybrid model (per existing Articles or in amended form)

- Vote is preceded by 30-40 day warning period (16 VSA § 706p)
- Petitions for candidates if election by Australian ballot (decided at Organizational Meeting):
 - o Only signed by residents of Town to which seat is allocated
 - o Filed with Town Clerk for town to which seat allocated
 - o deadline for petitions:
 - § 706k(b) – by 5 p.m. on 6th Monday before vote
 - (§ 706e (initial bd) – 30-40 days before vote)
 - o Within 7 days after deadline: town clerks send names to New Union District Clerk (who was elected at the Organizational Meeting) for compilation into a uniform ballot
- Vote on each nominated member is by entire electorate of New Union District

First Meeting of the Initial Board – within 14 days after Election – Superintendent convenes first meeting of Initial Board at which, among other things, Board members:

- Are sworn in and assume duties
- Elect Chair and Clerk of New Union District Board from among the elected members
- Consider draft proposed FY2020 budget prepared by Transitional Bd
- [Potentially] consider draft amendments prepared by Amendment Committee – see note regarding Amendment Committee above

- **Additional explicit duties of Initial Board** – performed before July 1, 2019, but not necessarily at first meeting of Board:
 - Revise and adopt draft proposed FY2020 budget
 - Warn special meeting of the District to vote on proposed FY 2020 budget
 - [*Potentially*] Warn special meeting of New Union District for voters to vote whether to amend Articles per 16 VSA § 706n effective on or before July 1, 2019 – see note regarding Amendment Committee above
 - Perform other duties necessary to transition the New Union District to full operations on July 1, 2019

Special Meeting of the District – as early in May as possible

- Vote is preceded by 30-40 day warning period (16 V.S.A. § 706p)
- To vote on Initial Board's:
 - Proposed FY2020 budget for New Unified District
 - [*Potential*] amendments (as the proposed amendments of the Board per § 706n) – see note regarding Amendment Committee above

July 1, 2019 – New Union District assumes full responsibilities for resident students; Forming Districts cease to operate/exist except to finalize audits and any other actions the New Union District cannot legally perform

The Vermont Statutes Online

Title 16 : Education

Chapter 009 : School Districts

Subchapter 001A : Government Of School Districts

(Cite as: 16 V.S.A. § 422)

§ 422. Meetings

- (a) The annual town meeting shall be the annual town school district meeting. However, at any annual or special school district meeting the electorate may authorize the annual school district meeting to be held on another date so long as the meeting is held after February 1 and before June 15.
- (b) A warning to change the date for the annual school district meeting shall contain an article in substantially the following form: "Shall the town school district of hold its annual meeting on ?"
- (c) Town school district meetings shall be warned by the school board and shall contain appropriate articles notifying the electorate of the election of its officers and the business to be transacted.
- (d) A town consisting of one town school district may transact at any regular or special town meeting any and all business lawful to be done at any lawfully warned regular or special town school district meeting. (Added 1969, No. 298 (Adj. Sess.), § 42; amended 1975, No. 48, § 16, eff. April 15, 1975; 1977, No. 128 (Adj. Sess.), § 1.)

The Vermont Statutes Online

Title 16 : Education

Chapter 009 : School Districts

Subchapter 001A : Government Of School Districts

(Cite as: 16 V.S.A. § 428)

§ 428. Budget to be voted

(a) At each annual town school district meeting, the electorate shall vote such sums of money as it deems necessary for the support of schools. If such sums are not approved or acted upon at the annual meeting, the electorate shall vote such questions at a duly warned special school district meeting. A district may vote money necessary for the support of schools therein to the end of the full school year next ensuing.

(b) If the electorate of a school district votes for its budget by Australian ballot, it shall do so using ballot language jointly developed by the Secretary of Education and the Secretary of State and adopted by the State Board, by rule. (Added 1969, No. 298 (Adj. Sess.), § 48; amended 1985, No. 196 (Adj. Sess.), § 21; 1997, No. 60, § 26, eff. July 1, 1998; 1997, No. 71 (Adj. Sess.), §§ 1, 83, eff. March 11, 1998, § 71, eff. Jan. 1, 1999; 1999, No. 1, § 60c, eff. March 31, 1999; 1999, No. 152 (Adj. Sess.), § 166b; 2003, No. 36, § 3; 2003, No. 68, § 1; 2013, No. 92 (Adj. Sess.), § 48, eff. Feb. 14, 2014.)