

MISSISQUOI VALLEY SCHOOL DISTRICT TRANSITION BOARD (MVSD)
INFORMATIONAL MEETING MINUTES
MISSISQUOI VALLEY SCHOOL LIBRARY
April 15, 2019
6:00 PM

Present: Transition Board members: Board Chairperson, Chris Shepard (Highgate), Board Clerk, Terri O'Shea (Swanton), Don Collins (Swanton) (*arrived at 6:15pm*), Bob Berger (Franklin), Devin Bachelder, (Franklin), Steve Scott (Highgate), Denis Boucher (MVU), John Ho (MVU)

Others Present: Julie Regimbal, Superintendent of Schools, Pierrette Bouchard, School Board Secretary, and Channel 15/16 cameraperson. Community Members Jay Denault, Bryce Bachelder, Douglas Clark, Sue Clark, Meaghan Conly, James Dewing, Jennifer Dewing, Tom Maguire, Jon Nielsen, Sarah Nielsen, Debbie Miller, Clarence Miller and others.

Call the Meeting to Order-Chris Shepard called the meeting to order at 6:05pm.

Chris explained that as part of the presentation they will go over the process, what will be on the ballot, the Articles of agreement and When, where and how to vote.

Process bringing us to this vote • Default Articles of agreement were issued in November by the State Board of Education • There was a process to amend articles and an Amendment Committee was formed in January • The committee considered many drafts and community input and voted to forward articles to the MVSD transition board. The Transition board organized on 3/25/19 and voted to formally approve these articles and bring them to the voters for approval.

What is on the ballot?

ARTICLE I • To elect from the legal voters of said District the following officers:

A School Director from Franklin for a 2 year term: Devin Bachelder
A School Director from Franklin for a 1 year term: Eric D. Beauregard or Wesley Gates Kempton
A school Director from Highgate for a 3 year term: Chris Shepard
A School Director from Highgate for a 1 year term: Steven Scott
A School Director from Swanton for a 3 year Term: Don Collins
A School Director from Swanton for a 2 year term: Meaghan Conley

Article II

On the condition that the forced merger is upheld creating the Missisquoi Valley School District, shall its voters replace the entire Default Articles of Agreement, imposed by the State Board of Education order with the attached Articles of Agreement, amended by the Missisquoi Valley School District Board (Approval of this Article does not imply approval of a forced merger)?

Who is on the Transition Board?

Terri O'Shea, Meaghan Conly, Don Collins, John Creelman Transition Board
Bob Berger, Devin Bachelder Denis Boucher, John Ho Chris Shepard, Steven Scott Terri O'Shea, Don Collins

Article I Creation of a 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

Missisquoi Valley School District shall operate schools from PK through 12th 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.

Chris explained that if there is a legislative delay, all the years will be moved back by one year.

Article 4 Restructuring of Grade Configurations

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 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. Finance cont. 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. Article 5 Cont.- Finance 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 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 rest of this article references statutes and directs how master agreements will be negotiated or honored in the first year of operation

Article 8- MVSD Initial Board of School Directors

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.² • 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. Article 8 Continued 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. The terms are staggered for the initial board, when re-elected seats will be for 3-year terms.

C. Election of the Initial Board Members if the Voters Decide at the Organizational Meeting to Proceed by Australian Ballot • Nominations • Preparation of Ballot • Counting of Ballots

D. Swearing-In and Assumption of Duties • Process for swearing in • Timeline for first meeting • Electing chair and clerk

E. Preparation and Presentation of Proposed Fiscal Year 2020 Budget
F. Any amendment to article 8 A., shall require a 3/4 vote by the elected members of the MVSD Board and a majority vote by the electorate of the Missisquoi Valley School District.

Article 9 Representatives 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, 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 • 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 3/4 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.

A. 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.

Chris asked each board member to express their thoughts regarding what was important to them on the Articles of Agreement. Chris explained that equal representation on the board was important to him. Bob Berger explained that equal representation on the board and the school closure article. Being from the smallest school in the district, it is an easy target to close the school. The State Board did not agree with the AGS that the voters had voted for. Bob tried to honor as much as possible what the voters had represented to the board. Denis Boucher expressed equal representation on the board. The article that speak to the transfer of property was limited by law on what the board could do. These articles make the best of a bad situation. Steve Scott echoed the other board members on equal representation. He feels that it is important to get the information out to the people. Devin Bachelder stated that throughout the Act 46 experience, there was a contention with the State. The Articles have been put together to get the best that the board could do with the hand that they have been dealt. Our communities are becoming one school community and we need to put our fears behind us and move forward the best we can. Terry O'Shea said that Swanton has been highly collaborative in working with the other towns on the Articles of Agreement. The taxes

in Swanton are going up the most in spite of some of the fears that people have had are not grounded that other towns will pay more. Swanton plans to continue to collaborate to work together. Don Collins stated that the legislature has fought four years for this legislation. It would pass in the House but not the Senate. It finally passed and he does not think that this is good legislation. So, now we must live with the law as good we can. This is one of many legislations that does not serve us well but at this time, Don wants to make sure that the students in Swanton do not lose out.

Public Comments and Questions

Bryce Bachelder asked if one of the schools were to close, what would happen to the principals and staff? Chris Shepard cautioned that attendance would have to go way down for this happen. Ideally, other schools would be able to absorb the staff. The board would have to have a plan first on the shutting down of the school before bringing it to the voters. Doug Clark stated that he heard tonight that more than once that this is the law. Chris responded that this Highgate, Franklin and Sheldon have filed a lawsuit and until they know the results, they must move forward with the law. Peter Magnant commended the board on this is a job that nobody wanted and yet you all came together and I applaud you for doing this. Sarah Nielsen asked if we pass these Articles of Agreement, do we get them all or not? Chris Shepard responded that if we pass this, all the articles are passed but if we vote it down, then we will have to accept the default Articles of Agreement with the six member board and there will be no closure article protection. Clarence Miller asked what is the goal of the state to pass this law? Chris responded that originally it was supposed to save money. They also felt that this would provide a better education by consolidating and becoming more efficient. Kathy Rouleau asked what about the outcome of the lawsuit? Bob stated that half of the lawsuit has been dismissed and the other half is going to the Supreme Court. It will depend on how well we can defend our position. We hope that the legislature will grant a delay to allow the lawsuit to carry out. The House of Representatives version grants an automatic delay to specific school districts including ours. The Senate version relies on the April 30th elected board to vote for the delay. Barring any legislative relief, we must move forward with the timeline that is in front of us to see what will happen. Susan Clark reminded everyone to contact their legislatures to encourage the delay. Peter Magnant spoke to Senator Corey Parent and they have hopefully made some progress in the conference committee and hopefully will have a resolution shortly. Don Collins stated that if anyone is interested in what goes on in Maine with the consolidation of schools, you

get do a google search and you will see the real mess that has a resulted in their merging of school districts. Some schools are trying to unmerge. Jay Denault stated that the issues that the court will be taking up will be the disbursement of the debts and assets which violates statutes and the State of Vermont Constitution. It is not constitutional for one school to take debt and make other school districts incur the responsibility for a debt that they did not vote for. They also should not have to sell their school's assets to the new unified district for \$1.00. Jay felt that the board should have taken action on the articles that were passed over. They should add the withdrawal of the school district to the Articles of Agreement. Chris Shepard stated that he did bring the subject of re-visiting the articles to the board and the board did not choose to discuss it as it had already been visited during the amendment committee meetings. Sarah Nielsen asked what would happen if the Articles of Agreement are voted down? Julie responded that the State imposed default Articles of Agreement would come into effect. A community member requested that the next informational meeting and the April 30th vote be placed on the outside electronic boards. Tom Maguire requested that it should not be placed only on the website. Doug Clark explained that if they choose to close the school in Franklin, there would be nothing there for the Town. Bryce Bachelder suggested that the information on the collateral consequence of Act 46 should be put in the National Media to attract attention to the gravity of the law. Bob Berger stated that there is an allegation that the board has not done what they could for the sale of school assets. That is being challenged by the lawsuit and going to the Supreme Court, so the board is challenging the law by going to Court via a legal process. Meanwhile, the school board must abide by the law.

Future Meeting Agenda and Dates

The next informational meeting is scheduled for April 27th at 10 AM at Missisquoi Valley Union Middle/High School Library. The Vote for the board of directors and the Articles of Agreement is scheduled for April 30th in the towns of Franklin, Highgate and Swanton.

Adjournment

Chris Shepard declared the meeting adjourned at 6:50pm.

Respectfully submitted,

Terri O'Shea, Board Clerk

Submitted by Pierrette Bouchard, School Board Secretary