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PART I. INSTITUTIONS OF HIGHER EDUCATION

Chapter 1. University of Vermont and State Agricultural College

HISTORY

Source. The first charter of the University of Vermont was granted on November 3, 1791. Subsequent legislation included: 1802, No. 95, related to the university's lands and certain university exemptions from property taxation; 1810, No. 83, related to the board of trustees and the corporate powers of the university; 1823, No. 34, related to the board of trustees and meetings of the corporation; 1825, No. 74, and 1826, No. 67, related to the incorporation of the Medical Society of the University of Vermont; 1828, No. 16, related to the board of trustees and to student examinations; 1834, No. 41, related to the incorporation of the University Institute of the University of Vermont; and 1845, No. 10 related to student examinations.

The Vermont Agricultural College was created on November 22, 1864, by No. 96 of 1864. The University of Vermont and State Agricultural College was incorporated on November 9, 1865, by 1865, No. 83. Sections 1, 2, and 4 of the 1865 act were later amended, and sections 14, 15, and 16 were added, by 1955, No. 66. Under section 1 of the 1865 act, as amended, the University of Vermont and the Vermont Agricultural College, with such other corporations as might thereafter become united therewith, were united and constituted a body corporate, by the name of the "University of Vermont and State Agricultural College."

References in sections 5, 6, 7, and 8 of the charter to "said act of Congress" or "the act of Congress" most likely refer to the Morrill Act of 1862, 12 Stat. 503.

Pursuant to 1873, No. 50, the procedure for the vacation of the corporation's charter was set forth. The State Agriculture Experiment Station was established by 1886, No. 73. By 1917, No. 67, the term of a university trustee was set to commence on February 1. There was further clarification of the corporation's conveyance of leased lands under the provisions of 1925, No. 40.

V.S. 1947 § 4486, derived from 1945, No. 71, § 1, recognized the Vermont Agricultural College as being in existence as a body corporate owned by the state of Vermont and provided for its powers and property. V.S. 1947 § 4487, derived from 1947, No. 9, § 1, exempted the real and personal property of the Vermont Agricultural College from taxation. Although not specifically repealed, these sections appear to be superseded by 1955, No. 66, cited above, which united this corporation with the University of Vermont and added section 15 to 1865, No. 83, exempting from taxation all real and personal property then held or owned or thereafter acquired by the University of Vermont and State Agricultural College for educational purposes.

Sections 4 and 5 of 1955, No. 66, supplemented but did not directly amend the charter. They provide as follows:

"Sec. 4. Nothing in this act shall modify, alter or in any manner affect the legal relationships between and the rights and obligations of the corporation known as the University of Vermont and State Agricultural College and the corporation known as the University of Vermont with respect to the University of Vermont Trust, as established and determined by decree of the Court of Chancery, Washington County, Vermont, dated September 19, 1932, pursuant to Supplemental Indenture of James B. Wilbur dated March 5, 1923, said decree and all regulations and policies adopted pursuant thereto or in connection therewith being hereby specifically recognized, confirmed and approved as to all matters relating to the existing ownership, status, terms, conditions and administration of said trust.

"Sec. 5. Nothing in this act shall be construed to bring the University of Vermont and State Agricultural College within the provisions of Chapters 27, 28, 31, 188, 440, and 446 of the Vermont Statutes, Revision of 1947, as amended, provided, however, that Chapter 440 shall apply, when so provided by the legislature, with respect to any university building constructed with state funds."

The titles of those chapters of the 1947 revision of the Vermont Statutes that are specifically excluded under section 5 above are:

Chapter 27. Administrative Departments.

Chapter 28. Classification of State Personnel.

Chapter 31. Auditor of Accounts.

Chapter 188. State Board of Education; Commissioner of Education, Superintendents and Supervisors.

Chapter 446. Supplies.

Chapter 440. Vermont Statutes, revision of 1947, which may apply when so provided by the legislature, defines the membership and duties of the State Building Council.

The 1865 act, as amended by 1955, No. 66, was further amended by 1977, No. 49, which added students to the board of trustees as consumers of the services of the university and not as constituents of that institution. Section 2 of the 1955 act was amended to include two student members on the board of trustees, and section 2a was added, which prohibits amendment of the procedure for selection of student trustees without prior consent of the general assembly.

The charter was codified as 16 App. V.S.A. part 1, chapter 1, pursuant to the provisions of 2003, Resolution R-453 (Adj. Sess.). Titles have been added for each section, and other stylistic or technical changes, such as the incorporation of gender neutrality, have been made to conform with V.S.A. drafting practices.

§ 1-1. Establishment as corporate body

The University of Vermont and the Vermont Agricultural College, with such other corporations as may hereafter become united therewith, are hereby united and constituted a body corporate, by the name of the "University of Vermont and State Agricultural College," for the purpose of carrying out the objects contemplated in their respective charters, and as such, shall be and remain a body corporate forever, and as such may hold and convey real and personal estate, have a common seal, and shall be recognized and utilized as an instrumentality of the state for providing public higher education, with all the rights and powers incident to corporations; and the general assembly of the state of Vermont shall, from time to time, appropriate such sums as it deems necessary for the support and maintenance of the corporation.

§ 1-2. Board of trustees; membership, terms of service; presiding chair

The board of trustees of the University of Vermont and State Agricultural College shall be composed of 25 members, whose term of office shall be six years, except as to those who are members ex officio and to those who are student members. Three members shall be appointed by the governor

with the consent of the senate. During the legislative session of 1955, the governor shall appoint one member for a term of two years, one member for a term of four years, and one member for a term of six years and it shall be the duty of the governor during the session of the legislature prior to expiration of the term of office of any of the members to appoint for the term of six years a successor to the member whose term is expiring. The terms of office of the trustees shall expire on the last day of February in the respective years of expiration, and the terms of office of their successors shall thereafter begin on March 1 and expire on the last day of February.

Nine members shall be those who have been heretofore elected by the legislature as members of the board of trustees of the University of Vermont and State Agricultural College, and whose terms have not expired, and their successors, and it shall be the duty of the legislature at its session during which the terms of office of any class of the members expire to elect three successor members for terms of six years. The terms shall commence on March 1 in the year of election. The nine trustees and their successors shall also constitute the board of trustees of the Vermont Agricultural College.

Nine members shall be those who have been heretofore elected on behalf of the University of Vermont as members of the board of trustees of the University of Vermont and State Agricultural College and whose terms have not expired, and their successors, and it shall be the duty of said nine trustees to elect successors to fill vacancies occurring among their number upon expiration of the terms of office of any of them or otherwise. The nine trustees and their successors shall also constitute the board of trustees of the University of Vermont.

Two members shall be students enrolled at the University of Vermont and State Agricultural College. Their terms of office shall be two years. Prior to February 1, 1978, the Associated Directors for the Appointment of the University of Vermont and State Agricultural College Student Trustees, Incorporated shall select and appoint one student for a term of one year and one student for a term of two years, both of whom shall be enrolled as full-time undergraduate or full-time graduate students. Annually thereafter, the directors shall meet to select and appoint one student trustee for a term of two years in accordance with the provisions of this section. The directors shall fill any vacancy occurring among the student trustee members upon the expiration of the term of office of any of them or otherwise. A student shall be eligible to serve as a trustee, provided the student is a full-time undergraduate or full-time graduate student matriculating in accordance with the degree qualifications and requirements established by the University of Vermont and State Agricultural College and if the student remains in that status throughout the length of the term

of office. The term of office of a student trustee shall begin on March 1 following the date of appointment, and the term of office shall end the last day of February in the year of expiration. Any student elected hereunder shall have reached the age of 18.

All trustees so appointed and elected as hereinbefore provided, shall, together with his or her Excellency, the governor of the state, and the president, who shall be, ex officio, a member, constitute an entire board of trustees of the corporation known as the University of Vermont and State Agricultural College, who shall have the entire management and control of its property and affairs, and in all things relating thereto, except in the elections to fill vacancies, as aforesaid, shall act together jointly, as one entire board of trustees; provided, that all future elections or appointments to the board of trustees shall be made with special reference to preventing any religious denominational preponderance in the board. The board shall annually, at its first regular meeting after the election of new trustees, elect one of its members to serve as chair.

§ 1-3. Conferral of degrees; election of officers; governance

The board of trustees, a majority of whom may constitute a quorum for the transaction of business, may confer such honors and degrees as are usually given in colleges and universities and any other appropriate degrees, and may, from time to time, as occasion may require, elect a president, also a secretary, treasurer, librarian, professors, instructors, and any other necessary officers, and prescribe their duties, salaries, and term of office, and may make all necessary bylaws and regulations for the government of themselves and others connected with the institution, not inconsistent with the provisions of this act, and therein prescribe the terms of admission, rates of tuition, modes of study and course of instruction, including any proper regulations for uniform, discipline, and military drill, as well as for experimental and practical instruction in the different branches of agricultural labor.

§ 1-4. Control of lands and rents; rights and obligations

Except as otherwise provided by Sec. 4 of No. 66 of the Acts of 1955, the board of trustees shall have the right to use, control, sell, or dispose of all the real estate and personal property now or hereafter belonging to the University of Vermont, belonging to the Vermont Agricultural College, and belonging to any other institution at the time of its union or thereafter, if such union shall be made with this corporation agreeably to this act; subject, however, to the payment of any debts of any of the institutions

existing at the time of such union, and subject to any trusts, duties, or obligations connected therewith, and shall be entitled to receive and use for the purposes aforesaid, the rents and uses of any of the aforesaid land, including the rents and uses of all such lands as have been heretofore reserved in any charter of land in this state for the use and benefit of an college, and may have the same rights in respect to the lands, and to any leases of the same, and to any rents arising therefrom, that the institution respectively now have, and may maintain suits in their own name, or in the name of the University of Vermont and State Agricultural College, to recover the same; provided, that the rights of all parties shall remain, and the same defenses shall be had to such suits as if the same were brought in the name and as between the original parties; and the corporation hereby created shall, at all times, assume, discharge, and perform all the debts, duties, trusts, and obligations which the several institutions were subject to, at the time they became united in the corporation known as the University of Vermont and State Agricultural College, by virtue of this charter.

§ 1-5. Curriculum to be maintained

There shall, at all times, be maintained, in the institution hereby created, such instruction, in the various branches of learning, as is contemplated in the several charters of each of the institutions hereby united; and more particularly including a four years' course of studies, similar to such as are generally taught in other colleges, and not inferior to that recently taught in the University of Vermont, and in addition to that which is usually taught in other colleges, the instruction in this institution shall include such enlarged facilities, and extended scope and variety in the study of those branches which relate to military tactics, agriculture, and the mechanic arts, as shall render the whole instruction in conformity with said act of Congress, as well as with the several charters aforesaid.

§ 1-6. Experimental farm

The trustees may, in their discretion, obtain by gift, grant, or otherwise, a tract of land which, together with the land now owned by the University of Vermont, shall amount to at least 100 acres, to be used as an experimental farm, whereon they may make any desirable experiments in the breeding of stock, field culture, the analysis and adaptation of soils and horticultural and botanical gardening, or either of them, as they may deem proper, and also for the purpose of military encampment, target firing, drill and review; and the trustees may use, lease, or dispose of the same, as they may think proper, so as best to promote the objects of the institutions.

And in case the land shall be procured, as aforesaid, a sum not to exceed one-tenth of the money which has been received by the state treasurer for the sale of land scrip, in pursuance of the act of Congress authorizing the same, shall be paid to the board of trustees for the purposes aforesaid; provided, that no agricultural labor shall be required of students, except by their voluntary agreement or consent.

§ 1-7. Congressional fund; interest income

Whenever this corporation shall have been duly organized, there shall be appropriated and paid to its treasurer annually, for the purpose herein mentioned, on the warrant of the governor, the interest or the income which may be received from the fund created under and by virtue of the act of Congress.

§ 1-8. Legislative reports; board of visitors

The corporation hereby created shall make annual reports to the legislature of this state, of their condition, financially and otherwise, and make and distribute the reports required by the act of Congress, herein referred to, and the legislature may annually appoint a board of visitors, who may annually examine the affairs of the corporation.

§ 1-9. Permanent location

The permanent location of the institution hereby created, shall be in Burlington, in the state of Vermont, and the first meeting of the board of trustees shall be there held on November 15 next, at 7:00 P.M., or if the meeting shall not be held at that time, it shall be held at such other time and place as the governor of this state may appoint, seasonable notice of the appointment having been first given to each of the trustees or corporators of the University of Vermont and Vermont Agricultural College.

§ 1-10. Middlebury College; Norwich University

The president and fellows of Middlebury College, and Norwich University, or either of them, may hereafter, with the assent and concurrence by vote of a majority of each of the nine trustees elected, as aforesaid, and their successors, become incorporated and united with the corporation hereby created, by vote of their said corporations, at any meeting legally warned and holden, and by leaving for record, in the office of the secretary of state, a true and attested copy of such vote or votes, and of all the proceedings of the meeting or meetings, at which the votes aforesaid were passed, and causing the same to be recorded in the office.

§ 1-11. Vacation of charter

If at any time, the corporation hereby created shall fail substantially to carry out the provisions and requirements of this act, the supreme court of this state may, at any stated session thereof, having first given due notice to this corporation, annul and vacate this charter, and in such case, or in case the corporation shall otherwise be dissolved, the supreme court may, on application, order and decree that the income thereafter to be derived from the proceeds of the sale of said land scrip, in the hands of the state treasurer as aforesaid, together with such amount as may have been paid over by the treasurer for the purpose of an experimental farm, shall revert to the Vermont Agricultural College, and all the other property and effects which, at the time of the union, belonged to the other institution, shall revert to and be the property of the other institution or institutions which shall have been united and incorporated by, or in pursuance of this charter, and in case more than one such other institution shall have been thus united, such other property shall revert to them separately, such specific property to each, as the court shall adjudge and decree, having reference in making such decree to what was originally owned or contributed by each; provided, that in respect to any property or funds hereafter acquired by the new corporation, by gift, grant, bequest, or otherwise, the same shall be awarded and distributed to each of the institutions hereby incorporated or hereafter united, in such manner as the court shall deem just and equitable, having reference to the manner the same was acquired, and to any specific trusts, or expressed intention of any donors, made at the time the same was acquired. And for the purposes aforesaid, as well as for all other purposes, the several corporations, which shall have been united by virtue of this charter, shall be deemed and treated as having continued in life, and the several trustees which shall have been elected by each at the time they were united, and their successors shall be deemed and treated to have been, since the time of their elections, the trustees of their respective institutions, as well as trustees of the united corporation, and, as such trustees may receive the property and effects which may revert to their respective corporations by such decree of court, and they and their successors, whom they may thereafter appoint, may continue and manage the affairs of their respective corporations thereafter, in the same manner as the trustees of each might have done before they were united as aforesaid.

§ 1-12. Charter in effect

This charter shall take effect, whenever the two corporations hereby united shall, at a meeting duly warned, vote to accept the same, and to

surrender and relinquish to the corporation, hereby created, all the property belonging to them, whether real or personal, and all the rents, profits, and income therefrom arising, including said proceeds from the sale of the land scrip, for the purpose, and subject to all the rights, trusts, and conditions as in this charter provided; and it shall be the duty of each of the corporations to cause a copy of the record of such votes, duly certified by the secretaries of their respective corporations, to be left for record and duly recorded in the office of the secretary of state; whereupon, by virtue of such votes, such property, rents, profits; and income shall become the property of the corporation hereby created, for the purposes and subject to the rights, trusts, and conditions aforesaid, and the property, and the property hereafter acquired by the corporation hereby created, shall be subject to all the conditions, immunities, and exemptions now pertaining to the property now held by the University of Vermont.

§ 1-13. Repeal of inconsistent law

All of an act entitled "An Act to Establish the Vermont Agricultural College," approved November 22, 1864, which is inconsistent with the provisions of this act, is hereby repealed.

§ 1-14. Vermont Agricultural College

The divisions of the Vermont Agricultural College set forth in section 4488 of Vermont Statutes, Revision of 1947, shall be continued as divisions of and in the name of the University of Vermont and State Agricultural College, and all references to Vermont Agricultural College in sections 4489 through 4493 shall be deemed to apply to the University of Vermont and State Agricultural College or the agricultural college of the University of Vermont and State Agricultural College as the context may require.

§ 1-15. Tax exemption

Real and personal property now held or owned or hereafter acquired by the University of Vermont and State Agricultural College for educational purposes shall be exempt from taxation.

§ 1-16. Amendment of charter

This act may be amended from time to time by the general assembly to provide for the more perfect and effective accomplishment of its objects.

PART II. INCORPORATED SCHOOL DISTRICTS

Chapter 2. Barre Town School District

HISTORY

Editor's note—2004. See also Barre Town Charter, 24 App. V.S.A. chapter 398.

§ 2-1. Meetings and elections

(a) The first Tuesday in March shall be the date for the annual election of school district officers and for voting upon all questions to be decided by Australian ballot. Polls shall be open no less than nine consecutive hours. The school board may designate one or more polling places within the district for voting and may provide for the use of any mechanical or computer type devices for voting or counting votes, consistent with the requirements of law. However, the voters at any annual election may designate a different date, time, or place for subsequent annual elections.

(b)(1) Special school district meetings or elections:

(A) may be called by a majority of the school board; or

(B) shall be called by the school district clerk upon receipt by him or her of a petition signed by at least ten percent of the voters, specifying the business to be transacted at such meeting.

(2) The meeting shall be held within 60 days from the date the petition is filed with the clerk.

(c) Budget preparation process:

(1) At such time as may be prescribed by the school board, the school superintendent shall submit a line itemized estimate of the income and expenditures required for the operation of the school district for the next ensuing fiscal year.

(2) The school board, with a committee of not less than five voters appointed by them, shall review the proposed school budget publicly and prepare it for presentation to the voters at the annual school district election. Sufficient copies shall be available to the voters not less than ten days prior to the election, at the five public places required by section 2(a) of this chapter and the warning shall state the availability of the proposed budget.

(d) Budget adoption process: The budget proposal shall be submitted to the electorate at the annual election. If this proposal fails, the school board shall warn another election at which a revised budget shall be submitted to the voters and decided by Australian ballot. If the school board's second or subsequent budget proposals fail, the board shall continue to warn special elections and submit revised budget proposals to the voters until a budget is adopted by the voters by Australian ballot.