

## MEMORANDUM

TO: State Board of Education  
FROM: Donna Russo-Savage  
SUBJECT: Draft motion to approve Lincoln's withdrawal from the MAUSD  
DATE: May 17, 2022

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### Background

On May 11, 2022, both Chambers of the Vermont General Assembly approved the Committee of Conference report on H. 727. Section 3 of the bill includes a new 16 V.S.A. § 724 ("New § 724") governing withdrawal from a unified union school district ("UUSD"). In Section 6, the Legislature sets forth a process by which it permits the residents of Lincoln to continue to pursue withdrawal from the Mount Abraham Unified School District ("MAUSD") under the version of § 724 that will be replaced by the New § 724. The bill is currently among those the Office of Legislative Counsel is preparing for transmission to the Governor. Its terms will be in effect on the day of the Governor's signature.

On May 11 and May 12, attorneys representing Save Community Schools and the Town of Lincoln, respectively, submitted letters to the State Board "call[ing] upon the SBE to immediately issue conditional approval of Lincoln's withdrawal"<sup>1</sup> and to "now declare the Town of Lincoln to be withdrawn from the MAUSD,"<sup>2</sup> stating in part:

Lincoln's withdrawal from the MAUSD is ripe for a decision by the SBE and approval is required pursuant to 16 V.S.A. § 724(c). In particular, sufficient information has been presented to demonstrate that "the students in [Lincoln] will attend a school that is in compliance with the rules adopted by the State Board pertaining to education programs." Accordingly, we respectfully request that the SBE approve the withdrawal with appropriate conditions consistent with the requirements of Section 724(c). This is a condition precedent to Lincoln's ability elect a school board that has the authority to

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<sup>1</sup> May 11, 2022 letter from Owen J McClain, Esq., Sheehey Furlong & Behm PC, on behalf of Save Community Schools ("McClain Letter"), page 7.

<sup>2</sup> May 12, 2022 letter from Ronald A Shems, Esq., Tarrant, Gillies & Shems, on behalf of the Town of Lincoln ("Shems Letter"), page 3.

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engage in discussions and negotiations regarding the terms of withdrawal and any other agreements necessary to proceed.<sup>3</sup>

[On] April 20, 2022, the Town of Lincoln presented its case to the Board and did so under the current substantive standard – the only standard material to this Board proceeding. The Town of Lincoln’s request to withdraw from the MAUSD is ripe for decision.<sup>4</sup>

In the event the State Board chooses to accede to the attorneys’ requests at its May 18, 2022 meeting, Chair Olsen asked that we provide draft language for a motion to approve of Lincoln’s withdrawal.

## Draft Motions

I move that:

1. Based on the information provided by the self-selected representatives of Lincoln to both the State Board and the Lincoln voters, and in reliance upon the written assurances of the attorneys representing the Lincoln representatives and the Town of Lincoln that “sufficient information has been presented to demonstrate” compliance with 16 V.S.A. § 724 as it existed when the representatives initiated the withdrawal action (“Former § 724”) and that the Lincoln representatives have met the “only standard” required by the Former § 724, the State Board of Education **FINDS** that if it reconstitutes the Lincoln School District for prekindergarten through grade 12 effective on July 1, 2023, the students living in Lincoln “will attend a school that is in compliance with the rules adopted by the State Board pertaining to educational programs” in the 2023-2024 academic year, including rules related to education quality standards and to other state and federal laws.
2. The State Board of Education therefore **APPROVES** the request of the Lincoln voters to withdraw from the Mount Abraham Unified School District (“MAUSD”) pursuant to the Former § 724.
3. The State Board of Education **DECLARES** that the withdrawal of Lincoln from the MAUSD shall be fully effective on **July 1, 2023**.
4. The State Board of Education **DECLARES**:
  - a) That the Lincoln School District is hereby reconstituted as a prekindergarten through grade 12 school district.
  - b) That the Lincoln School District shall assume sole responsibility for the education of its resident students in prekindergarten through grade 12 on **July 1, 2023** and that, until such time, the MAUSD, as a school district and a supervisory district shall continue to be responsible for the education of all students residing in Lincoln.

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<sup>3</sup> McClain Letter, page 1, (footnote omitted).

<sup>4</sup> Shems Letter, page 2.

- c) That, between **May 18, 2022** and **July 1, 2023**, the Lincoln School District shall exist exclusively for the purpose of taking all steps necessary for the district to assume sole responsibility for the education of Lincoln students in a manner that meets education quality standards and all other state and federal laws on July 1, 2023:
- i. **Election of School Board Members.** The Secretary of State calls a special election at which the Lincoln School District voters elect school board members pursuant to 16 V.S.A. § 424(c).
  - ii. **Negotiation of Financial Agreement.** The Lincoln School Board and the MAUSD Board negotiate and finalize the proposed financial details of withdrawal pursuant to the Former § 724(c).
  - iii. **Approval of Financial Agreement.** The voters residing in *each non-withdrawing town* within the MAUSD vote to approve the negotiated financial arrangements pursuant to the Former § 724(c).
  - iv. **Budget for Fiscal Year 2024.** The Lincoln School Board prepares a proposed Fiscal Year 2024 budget, the district's first year of operations, and the voters of the district approve a budget for that year.
  - v. **Supervisory Union Services.** The Lincoln School Board prepares for the provision of supervisory union services to the Lincoln School District as determined pursuant to paragraph 5 of this motion.
  - vi. **Other Transitional Activities.** The Lincoln School Board takes all other actions necessary to transition to full operations on July 1, 2023, including any actions pursuant to 16 V.S.A. § 1804 or otherwise that are necessary to address the collectively bargained rights of employees of the MAUSD, the former employing entity.
- d) The Lincoln School District shall not be entitled to administrative or other services from the MAUSD, as supervisory district, until such time as the State Board makes a determination of supervisory union boundaries.
5. In connection with the provision of supervisory union services to the Lincoln School District:
- a) The State Board of Education **INVITES** the representatives of the Lincoln School Board to attend the State Board's regular **September 2022** meeting to present its proposals regarding the provision of supervisory union services, including those necessary to meet education quality standards and other state and federal laws, and to answer State Board questions.
  - b) The State Board of Education **NOTIFIES** all interested parties of its intent "to review [supervisory union boundaries] on its own initiative" pursuant to 16 V.S.A. § 261(a) at its regular **September 2022** meeting, at which meeting it will decide whether to:
    1. Assign the Lincoln School District to an existing, multi-district SU;
    2. Create a new SU that includes the Lincoln School District and one or more other town school districts and/or union school districts; or

3. Designate the Lincoln School District as a supervisory district in order to provide its own supervisory services.

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If the Board approves Lincoln’s withdrawal, then the Board may also wish to consider the following motion:

I move that, pursuant to 16 V.S.A. § 724(c) as it existed when the self-selected representatives of Lincoln initiated the withdrawal action, the State Board of Education:

1. **FINDS** that “it is in the best interests of the State, the students, and the school districts remaining in the unified union school district that the [Mount Abraham Unified School District] continue to exist,” and
2. **DECLARES** that “the [Mount Abraham Unified School District] shall continue to exist despite the withdrawal of [Lincoln as a] member.”

Alternatively, the Board may wish to invite the MAUSD to an upcoming meeting to discuss whether “it is in the best interests of the State, the students, and the school districts remaining in the unified union school district that the [Mount Abraham Unified School District] continue to exist.”