

MEMORANDUM

TO: Members, State Board of Education
FROM: Donna Russo-Savage, Staff Attorney
SUBJECT: Southern Valley Unified Union School District - Dissolution
DATE: September 8, 2020

Pursuant to 16 V.S.A. § 724(c), the clerk of the Southern Valley Unified Union School District (“UUSD”) has notified Secretary French that the UUSD voters residing in Halifax voted to withdraw from the district and that the UUSD voters residing in Readsboro voted to approve the withdrawal.

Chair Carroll asked us to provide some legal and factual background for your deliberations.

Structure of Current District

The UUSD is organized to provide for the PreK – Grade 12 education of students residing in Halifax and Readsboro, which it accomplishes by operating schools through Grade 8 and paying tuition for students in Grades 9 – 12. The UUSD has chosen to fulfill its obligations to its elementary and middle school students by operating schools both in Halifax and in Readsboro.

State Board’s Statutory Obligations

1. Consider whether to approve the Halifax voters’ request to withdraw from the UUSD

In order to approve the request of the voters residing in Halifax to withdraw from the UUSD, Vermont law requires the State Board to determine that the students living in Halifax “*will attend a school that is in compliance with the rules adopted by the State Board pertaining to educational programs.*” 16 V.S.A. § 724(c).

To help you make this determination, the Chair has requested that the UUSD Board chair provide you with written responses to a series of questions by Friday at noon and that the chair and vice-chair be available remotely at your meeting next week to answer any additional questions you may have.

2. Declare the withdrawal of Halifax to be effective as of July 1, 2021

If the State Board decides the first issue in the affirmative, then the statute directs you to declare the withdrawal to be effective “as of the July 1 immediately following or as soon thereafter as the obligations of the withdrawing district have been paid to, or an agreement made with, the [UUSD] in an amount satisfactory to the electorate of” Readsboro. 16 V.S.A. § 724(c).

3. Declare the UUSD to be dissolved as of July 1, 2021

When a union school district is responsible for the education of students in only two towns there is no way that it can continue to exist as a *union* school district after the withdrawal of one town.

4. Declare the Halifax School District and the Readsboro School District to be “reconstituted”

It is necessary to “reconstitute” the two former town school districts because they ceased to exist when they merged to form the UUSD. 16 V.S.A. § 722(b).

Only one district can be responsible for the current education of resident students in any particular grade. Because the withdrawal of Halifax and the dissolution of the UUSD cannot statutorily occur before July 1, 2021, the UUSD will remain solely responsible for the education of PreK-12 students living in Halifax and Readsboro until that date.

Although the two reconstituted districts will not assume responsibility for the education of their respective resident students until July 1, 2021, it will be necessary for the districts to perform transitional tasks in the interim – e.g., each town district will need to elect a school board that will be responsible for preparing a proposed FY2022 budget to be presented to the voters; each will need to file new state and federal paperwork; etc. As a result, it will be necessary for the two town districts to be reconstituted as of some date prior to July 1, 2021, even though they will not have authority to operate schools or pay tuition until that date.

The Agency’s legal staff will talk with the VT Director of Elections and Campaign Finance and with the UUSD’s legal counsel to provide guidance to you and to the local leaders regarding the appropriate timing and steps necessary to transition to the new governance structures.

5. File each of your declarations with the Secretary of State, the Halifax and Readsboro Town Clerks, and the elected Clerk of the UUSD

The Agency’s legal staff would be happy to draft declarations for your use.

Tentative Motions

Although we cannot predict the actions you might take, it is possible that you will want to entertain motions that look similar to the following:

I move that the State Board of Education:

- Finds that in the 2021-2022 academic year, the students living in Halifax “will attend a school that is in compliance with the rules adopted by the State Board pertaining to educational programs.”
- Approves the request of the Halifax voters to withdraw from the Southern Valley UUSD pursuant to 16 V.S.A. § 724(c).
- Declares that the withdrawal of Halifax from the Southern Valley UUSD shall be effective as of July 1, 2021.
- Finds that the Southern Valley UUSD is not viable without Halifax.
- Declares the UUSD to be dissolved effective July 1, 2020; provided, however, that the UUSD shall continue to exist until {December 31, 2021} for the sole purpose of

completing audits and performing any duties that no other district is legally able to perform.

- Declares the Halifax School District and the Readsboro School District to be reconstituted pursuant to 16 V.S.A. § 724(c) as follows:
 - Between *{the date of the motion}* and July 1, 2021, the Halifax School District shall exist solely for the purpose of transitioning to full operations. On July 1, 2021, the Halifax School District shall be fully operational and assume sole responsibility for the education of kindergarten through Grade 12 students residing in Halifax.
 - Between *{the date of the motion}* and July 1, 2021, the Readsboro School District shall exist solely for the purpose of transitioning to full operations. On July 1, 2021, the Readsboro School District shall be fully operational and assume sole responsibility for the education of kindergarten through Grade 12 students residing in Readsboro.
- Assigns the Halifax School District and the Readsboro School District to the Windham Southwest Supervisory Union and authorizes the boards of the two districts, once elected and sworn in, to appoint members to the Supervisory Union Board pursuant to 16 V.S.A. § 266 *{you will probably also want to address whether these SU board members will be voting members before July 1 and whether the UUSD appointees will be voting members until that date}*.