

MEMORANDUM

TO: State Board of Education
FROM: Donna Russo-Savage
SUBJECT: Certificates of Membership Adjustment – Windham Northeast Union Elementary School District and Addison Central School District
DATE: June 9, 2022

The Governor signed Act 176 (H. 727) into law on June 7, 2022. Sec. 2 of Act 176 repealed the former 16 V.S.A. Ch. 11, including §§ 721a and 724 governing withdrawal from union school districts (“Former Withdrawal Statutes”). Sec. 3 enacted §§ 724 and 725 (“New Withdrawal Statutes”) to replace the Former Withdrawal Statutes.

Act 176 became effective on June 7, 2022.

Regarding the continuation of a union school district following withdrawal by one of its members, the Former Withdrawal Statutes directed the State Board either to declare the union district dissolved or to declare that the union district would continue to exist despite the approved withdrawal of the former member. The Former Withdrawal Statutes required the State Board to file the declaration with the Secretary of State, the clerk of the withdrawing town or member district, and the clerk of the union school district. The Statutes did not include a filing deadline.

In contrast, the New Withdrawal Statutes require that within 30 days after the Board “declares the creation and existence of a new school district ... the Secretary of Education shall certify the adjustment of the [towns/member districts] within the [union school] district to the Secretary of State.”¹ The Secretary of State then files the recorded certifications with the union school district clerk and the clerk for the former member.

Factual Background

Westminster brought an action to withdraw from the Windham Northeast Union Elementary School District (“UESD”) pursuant to the Former Withdrawal Statutes. On May 19, 2021, the State Board of Education declared that the Windham Northeast UESD would continue to exist despite the withdrawal of Westminster. The Board issued a final declaration approving Westminster’s withdrawal and reconstituting the Westminster School District on September 15,

¹ 16 V.S.A. §§ 724(i) and 725(i).

2021. The new Westminster School District came into existence upon issuance of the declaration and, as of September 15, 2021, became responsible for taking all steps necessary to assume sole responsibility for the education of its prekindergarten through grade 8 students on July 1, 2022.

Ripton brought an action to withdraw from the Addison Central School District (“ACSD”) pursuant to the Former Withdrawal Statute. On May 19, 2021, the State Board of Education declared that the ACSD would continue to exist despite the withdrawal of Ripton. The Board issued a final declaration approving Ripton’s withdrawal and reconstituting the Ripton School District on January 19, 2022. The new Ripton School District came into existence upon issuance of the declaration and, as of January 19, 2022, became responsible for taking all steps necessary to assume sole responsibility for the education of its prekindergarten through grade 12 students on July 1, 2023.²

Discussion

The Former Withdrawal Statutes did not set a deadline by which the State Board was required to file its declaration with the Secretary of State regarding a union school district’s continued existence. The Board did not file its declaration for the Windham Northeast UESD or the ACSD prior to the repeal of the Former Withdrawal Statutes.

It is impossible for the Secretary of Education to meet the 30-day deadline set forth in the New Withdrawal Statutes because the pertinent declarations under those new statutes were made in September 2021 and January 2022.

In order to comply with the purpose and intent of both the New and Former Withdrawal Statutes, attached for your information are certificates to be signed by both the Secretary of Education and the State Board Chair regarding adjustments to the membership of the Windham Northeast UESD and the ACSD.

No State Board action is necessary.

² Pursuant to Act 176, Sec. 4, the Ripton School District must notify the State Board by July 1, 2022 whether it will assume full responsibility for its students on July 1, 2023 or will extend that date to July 1, 2024.

**ADJUSTMENT OF MEMBERSHIP IN THE
WINDHAM NORTHEAST UNION ELEMENTARY SCHOOL DISTRICT**

We, Daniel M. French, Secretary of Education, and Oliver Olsen, Chair of the State Board of Education, certify that:

1. The Windham Northeast Union Elementary School District was initially organized to provide for the education of the prekindergarten through grade 8 students residing in Athens, Grafton, and Westminster.
2. On May 19, 2021, pursuant to 16 V.S.A. § 721a(c) then in effect, the State Board of Education declared that the Windham Northeast Union Elementary School District “shall continue to exist despite the withdrawal of [Westminster as a] member.”
3. On September 15, 2021, pursuant to 16 V.S.A. § 721a(c) then in effect, the State Board of Education:
 - a. Granted final approval to the withdrawal of Westminster from the Windham Northeast Union Elementary School District; and
 - b. Declared that the Westminster School District was reconstituted as a prekindergarten through grade 8 school district upon issuance of the declaration and that it would assume sole responsibility for the education of Westminster students in those grades on July 1, 2022.

Accordingly, pursuant to 16 V.S.A. § 725(i) enacted on June 7, 2022, as well as 16 V.S.A. § 721a(c) in effect when the declarations were made, we further certify that:

Membership in the Windham Northeast Union Elementary School District is adjusted and the District is responsible for the education of the prekindergarten through grade 8 students residing in Athens and Grafton; provided, however, that the Windham Northeast Union Elementary School District is responsible for the education of students in Westminster until July 1, 2022.

Dated this ___ day of June at _____, Vermont.

Daniel M. French, Ph.D.
Secretary of Education

Dated this ___ day of June at _____, Vermont.

Oliver Olsen
Chair, State Board of Education

**ADJUSTMENT OF MEMBERSHIP IN THE
ADDISON CENTRAL SCHOOL DISTRICT**

We, Daniel M. French, Secretary of Education, and Oliver Olsen, Chair of the State Board of Education, certify that:

1. The Addison Central School District was initially organized to provide for the education of the prekindergarten through grade 12 students residing in Bridport, Cornwall, Middlebury, Ripton, Salisbury, Shoreham, and Weybridge.
2. On May 19, 2021, pursuant to 16 V.S.A. § 724 then in effect, the State Board of Education declared that the Addison Central School District “shall continue to exist despite the withdrawal of [Ripton as a] member.”
3. On January 19, 2022, pursuant to 16 V.S.A. § 724 then in effect, the State Board of Education:
 - a. Granted final approval to the withdrawal of Ripton from the Addison Central School District; and
 - b. Declared that the Ripton School District was reconstituted as a prekindergarten through grade 12 school district upon issuance of the declaration and that it would assume sole responsibility for the education of students in those grades on July 1, 2023.

Accordingly, pursuant to 16 V.S.A. § 724(i) enacted on June 7, 2022, as well as 16 V.S.A. § 724 in effect when the declarations were made, we further certify that:

Membership in the Addison Central School District is adjusted and the District is responsible for the education of the prekindergarten through grade 12 students residing in Bridport, Cornwall, Middlebury, Salisbury, Shoreham, and Weybridge; provided, however, that the Addison Central School District is responsible for the education of students in Ripton until July 1, 2023.

Dated this ___ day of June at _____, Vermont.

Daniel M. French, Ph.D.
Secretary of Education

Dated this ___ day of June at _____, Vermont.

Oliver Olsen
Chair, State Board of Education