

MEMORANDUM

TO: Chair Samuelson and Members, State Board of Education
FROM: Donna Russo-Savage, Staff Attorney
SUBJECT: State Board-Created Union School Districts – Update
DATE: October 13, 2022

On November 30, 2018, the State Board issued its Report and Order on Statewide School District Merger Decisions, as required by 2015 Acts and Resolves No. 46 (the Statewide Plan). The Statewide Plan formed 11 new union school districts.

Also on November 30, 2018, Secretary French and then-State Board Chair Huling executed certificates memorializing the new school districts and sought to record the certificates with the Vermont State Archives and Records Administration (VSARA). VSARA would not record the certificates, however, because – unlike the statutes governing voter-approved union school districts – no provision of law required or authorized recording for districts created by the Statewide Plan. Instead, on December 3, 2018, the State Board and Agency forwarded the certificates directly to the elected clerk of each forming district for filing in the district’s records.

In 2022 Acts and Resolves No. 176, the Legislature added the following new statute to Title 16 (Education):

§ 764. SECRETARY OF STATE; RECORDING CERTIFICATES

(a) To ensure that documentary evidence relating to the creation of union school districts can be found in one location, the Secretary of Education shall forward to the Secretary of State copies of the certifications designating the existence of each new union school district created pursuant to the State Board’s “Final Report of Decisions and Order on Statewide School District Merger Decisions Pursuant to 2015 Acts and Resolves No. 46, Sections 8(b) and 10” dated November 28, 2018 (the Order).

(b) The Secretary of State shall record the certifications and all subsequent amendments and addenda to the certifications.

(c) The Secretary of State shall file a certified copy of the recorded certification and any amendments or addenda with the elected clerk of each union school district created by the Order.

Pursuant to § 764(a) and (b), the Agency will send VSARA copies of the 2018 certifications designating the existence of eight of the new union school districts created by the State

Plan, plus addenda as permitted by subsection (b). We will ask VSARA to send certified copies of the recorded documents to the elected clerk of each district as required by § 764(c).

UUSDs:

1. The Barre Unified Union School District
2. The Enosburgh-Richford Unified Union School District
3. The Franklin Northwest Unified Union School District, including an addendum certifying that the district's name was changed to: The Missisquoi Valley School District
4. The Oxbow Unified Union School District
5. The Washington Central Unified Union School District
6. The Windham Southeast Unified Union School District, including an addendum certifying that the district's name was changed to: The Windham Southeast School District

UESDs:

7. The Orleans Southwest Union Elementary School District
8. The Southwest Vermont Union Elementary School District

The State Board has already memorialized creation of the remaining three districts:

9. The Lamoille South Unified Union School District – by recording a certification with VSARA in August 2022 to reflect the withdrawal of Stowe per statutory withdrawal requirements
10. The Orleans Central Union Elementary School District – by recording certifications with VSARA in May 2019 to (i) change the district's name to The Lake Region Union Elementary-Middle School District and (ii) designate Westmore as a full member of the union school district per statutory requirements for the addition of new members
11. The Windham Northeast Union Elementary School District – by recording a certification with VSARA in August 2022 to reflect the withdrawal of Westminster per statutory withdrawal requirements

No further action appears to be required of the State Board or its Chair.