

MEMORANDUM

TO: State Board of Education
FROM: Donna Russo-Savage, Staff Attorney
SUBJECT: Ripton and the Addison Central School District
DATE: November 7, 2022

On September 29, 2022, the voters of the Ripton School District (“RSD”) voted to become a town within the Addison Central School District (“ACSD”), that is – to rejoin the union school district from which they had previously withdrawn. Pursuant to the terms of Act 176 (2022), Section 4, a favorable vote resulted in the unilateral addition of Ripton to the ACSD, without the need for an affirmative vote of the other towns within the union district as otherwise required by § 721. The RSD clerk certified the vote to the Secretary of State pursuant to subsection 4(d), and the vote is now final.

Upon receiving notification that the RSD voters approved reunification, subdivision (d)(3)(D) of Section 4 sets forth the following:

(i) the State Board shall reverse and void earlier declarations approving withdrawal and reconstituting the [Ripton School District] and the withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is concluded; and

(ii) the [Addison Central School District] shall continue to be solely responsible for the education of the students residing in [Ripton]; provided, however:

(I) the [Ripton School District] and its board shall continue to exist for up to six months after the day on which the State Board reverses and voids its earlier declarations for the sole purpose of completing any outstanding business that cannot legally be performed by another entity; and

(II) the State Board may make any declarations and take any actions, including recording certifications with the Secretary of State, that are necessary to support the consequences outlined in this subdivision

A motion to effect the mandate in subdivision (i) above could be framed as follows:

As a result of the September 29, 2022 vote of the Ripton School District voters and as required by Act 176 of 2022, Section 4, subdivision (d)(3)(D), I move that:

(1) The State Board of Education REVERSES and VOIDS all of its earlier declarations approving withdrawal and reconstituting the Ripton School District including:

(a) The Board's approved May 19, 2021 motion conditionally approving the request of the Ripton voters to withdraw from the Addison Central School District and conditionally declaring that the withdrawal would be effective on July 1, 2022, that the Ripton School District was reconstituted, and that the reconstituted district would be solely responsible for the education of its resident students on July 1, 2022.

(b) The Board's approved May 19, 2021 motion approving continuation of the Addison Central School District despite the withdrawal of Ripton.

(c) The Board's approved January 19, 2022 motion giving final approval to the request of the Ripton voters to withdraw from the Addison Central School District and making final declarations:

(i) That Ripton's withdrawal would be effective on July 1, 2023;

(ii) That the Ripton School District was reconstituted, would assume sole responsibility for the education of its resident students on July 1, 2023, and until that date the Addison Central School District would be responsible for the education of students residing in Ripton;

(iii) That until July 1, 2023, the Ripton School District would exist solely to prepare for full operations; and

(iv) That, pursuant to 16 V.S.A. § 261(c), the Ripton School District was designated to be its own supervisory district and, as such, would begin providing its own supervisory union services on July 1, 2023.

and

(2) The State Board of Education NOTIFIES all interested parties that, pursuant to subdivision 4(d)(3)(D)(i), "the withdrawal action initiated pursuant to the former 16 V.S.A. § 724 is concluded" and, as a result, Ripton is a town within the Addison Central School District, which is its own supervisory district.

The Agency will prepare a certificate for the Chair's signature to be recorded with the Secretary of State, as authorized by subdivision 4(d)(3)(D)(ii)(II).