

FINAL DRAFT

Re: withdrawal from school districts

Dear Representative Webb and Senator Baruth,

At its 16 *September* 2020 meeting, the Vermont State Board of Education considered a request from the town of Halifax to withdraw from the Southern Valley Unified Union District. Such a withdrawal is provided by statute, at 16 VSA §721a.

Based on a plain reading of the statute and advice of counsel, the Board concluded in its review that the scope of its inquiry in this matter was strictly limited:

“...if the State Board finds that the students in the withdrawing member will attend a school that is in compliance with the rules adopted by the Board pertaining to educational programs, then the State Board shall declare the membership of the withdrawing member in the union school district to end...” 16 VSA §721a (c).

At its hearing on the matter, the Board received testimony which gave assurance that “the students in the withdrawing member will attend a school that is in compliance with the rules adopted by the Board”, and, accordingly, granted Halifax’s request to withdraw from the Southern Valley Unified Union District. Because Southern Valley is a two-member district (Readsboro and Halifax), the Board’s order effectively dismantles the district -- which was created under Act 46 – leaving both towns to fend for themselves as individual members of the Windham Southwest Supervisory Union.

Throughout these proceedings, the Board found itself without statutory authorization to consider other dimensions or possible consequences of the Halifax withdrawal. For example, the Board was not permitted by statute to consider the impacts of the district’s dissolution upon the schooling of Readsboro students. Similarly, the Board was not authorized to take into account the purposes and goals of more recent legislative initiatives, most particularly Act 46.

Accordingly, the State board of Education has directed me to convey to you its concerns with 16 VSA §721a, along with the suggestion that the General Assembly may wish to reconcile the provisions of §721a with the Legislature’s more recent policy goals on school governance, i.e. Act 46.

kind regards,

John Carroll
Chair, Vermont State Board of Education