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## MEMORANDUM

TO: State Board of Education  
FROM: Donna Russo-Savage  
SUBJECT: Continuation of the Mount Abraham Unified School District and Adjustment of Towns Within the District  
DATE: June 9, 2022

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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 Sec. 2 of Act 176 repealed the former 16 V.S.A. Ch. 11, including § 724 governing withdrawal from a unified union school district (“Former Withdrawal Statute”). Sec. 3 enacted 16 V.S.A. § 724 (“New § 724”) to replace the Former Withdrawal Statute.

Act 176 became effective on June 7, 2022.

Through its self-selected representatives, Lincoln brought an action to withdraw from the Mount Abraham Unified School District (“MAUSD”) pursuant to the Former Withdrawal Statute. At the urging of attorneys for these representatives, the State Board of Education issued a final declaration approving Lincoln’s withdrawal and reconstituting the Lincoln School District on May 18, 2022 pursuant to the Former Withdrawal Statute. The new Lincoln School District came into existence upon issuance of the declaration and, as of May 18, 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.

When requesting and obtaining a final declaration approving withdrawal and reconstituting the town school district under the Former Withdrawal Statute, the Lincoln representatives expressly rejected application of Act 176, Section 6, to their withdrawal process, which would have permitted them to rejoin the MAUSD without going through the § 721 process by which an independent school district joins an existing union school district.

The Former Withdrawal Statute, which was in effect at the State Board’s May 2022 meeting, required the State Board to consider and declare if MAUSD (i) would continue to exist despite the approved withdrawal and reconstitution of the Lincoln School District or (ii) would be dissolved and reconstituted into multiple town school districts. At its May 2022 meeting, the State Board invited MAUSD representatives to the Board’s June meeting to discuss the question prior to making its declaration.

Because Act 176, Sec. 2, repealed the Former Withdrawal Statute on June 7, 2022 and because Section 6 of that Act does not apply to the Lincoln withdrawal action, the State Board must do

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its best to apply the provisions of the New § 724 to any questions regarding the status of MAUSD.

The New § 724 does not explicitly require the State Board to determine if a union school district should continue to exist following withdrawal of a petitioning town. Rather, subsection (i) of the new law states in part: “If the State Board declares the creation and existence of a new school district pursuant to subdivision (h)(2) of this section, then within 30 days following such action the Secretary of Education shall certify the adjustment of the towns within the union district to the Secretary of State.”

Although the State Board did not declare the creation and existence of a new school district “pursuant to subdivision (h)(2)” of the New § 724, the State Board did issue a final declaration of the creation and existence of a new Lincoln School District at its May 18, 2022 meeting. Therefore, we believe that no additional State Board action is necessary under the New § 724(i) and, pursuant to that statute, the Secretary of Education must certify the adjustment of the towns within the union district to the Secretary of State on or before Friday, June 17, 2022, which is 30 days after the State Board’s declaration.

If, out of an abundance of caution, the Board wishes to satisfy the requirements of the Former Withdrawal Statute as well, it could do so by (i) deciding whether MAUSD should continue to exist despite the withdrawal of Lincoln and (ii) co-signing the attached draft certificate if it determines that MAUSD should remain a union school district. Yellow highlighting indicates additional language that would reflect this action.

If the State Board chooses to proceed in this manner and if it determines that MAUSD should continue, then a motion similar to the following could be offered:

I move that, pursuant to the version of 16 V.S.A. § 724(c) that existed on May 18, 2022 when the State Board of Education declared the creation and existence of the new Lincoln School District, the Board:

1. **FINDS** that “it is in the best interests of the State, the students, and the school districts remaining in the unified union school district that the [Mount Abraham Unified School District] continue to exist.”
2. **DECLARES** that “the [Mount Abraham Unified School District] shall continue to exist despite the withdrawal of [Lincoln as a] member.”
3. **AUTHORIZES** the Chair to co-sign a certificate substantively identical to the Secretary’s certificate presented for informational purposes at the June 15, 2022 meeting.

**ADJUSTMENT OF MEMBERSHIP IN THE  
MOUNT ABRAHAM UNIFIED SCHOOL DISTRICT**

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

1. The Mount Abraham Unified School District was initially organized to provide for the education of the prekindergarten through grade 12 students residing in Bristol, Lincoln, Monkton, New Haven, and Starksboro.
2. On May 18, 2022, pursuant to 16 V.S.A. § 724 then in effect (the Former Withdrawal Statute), the State Board of Education:
  - a. Granted final approval to the withdrawal of Lincoln from the Mount Abraham Unified School District; and
  - b. Declared that the Lincoln School District was reconstituted as a prekindergarten through grade 12 school district upon issuance of the May 18 declaration and that it would assume sole responsibility for the education of students in those grades on July 1, 2023.
3. On June 15, 2022, as required by the Former Withdrawal Statute, the State Board of Education declared that the Mount Abraham Unified School District shall continue to exist despite the withdrawal of Lincoln.

Accordingly, pursuant to 16 V.S.A. § 724 enacted on June 7, 2022, as well as the Former Withdrawal Statute, we further certify:

**Membership in the Mount Abraham Unified School District is adjusted and the District is responsible for the education of the prekindergarten through grade 12 students residing in Bristol, Monkton, New Haven, and Starksboro; provided, however, that the Mount Abraham Unified School District is responsible for the education of students in Lincoln until July 1, 2023.**

Dated this \_\_\_ day of June at \_\_\_\_\_, Vermont.

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

Dated this \_\_\_ day of June at \_\_\_\_\_, Vermont.

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Oliver Olsen  
Chair, State Board of Education