

5	6	11	5	8	3	12	6	2	7	4	5	4	0
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3. Whether it is anticipated that, when the Ripton School District is reconstituted, it will continue to provide education in the grades currently offered in the school ACSD operates in Ripton and will pay tuition for all other grades.

It is indeed anticipated that, when the Ripton School District is reconstituted, it will continue to provide education for the grades *currently* offered in the school ACSD operates in Ripton and will pay tuition for all other grades. It is important to note that the future grades ACSD anticipates to operate in Ripton will change for the 2021-2022 school year; they are cutting the PreK program and moving 6th grade to another school. Because of this, we reserve our right to adjust grade configuration to best fit our students' needs in the broader context of their matriculation to ACSD schools for secondary grades. Moreover, we hope to once again offer PreK in future years.

4. If it is anticipated that the Ripton School District will seek voter approval to begin operating grades or paying tuition for grades that differ from the pattern set out in #3 above, then:

- a. The grade(s) for which the Ripton School District is likely to change the pattern of operating and tuitioning.
- b. The school year in which it is likely that a change from operating to tuitioning, or from tuitioning to operating, would occur.

We do not anticipate seeking voter approval to change *current* grade configuration. As stated previously, ACSD by means of a Board vote only, has cut Ripton's PreK program and is also moving 6th grade to another building. Because of this, we will have to consider what configuration will best serve Ripton's students in the broader context. It is safe to say that for every grade Ripton does not offer, we will tuition to another school that *does* offer those grades.

4. (a) The names of all public and independent schools offering PreK-12, or some subset of those grades, that are located within a "reasonable" driving distance from students living in Ripton, and (b) for each identified school, whether the school has confirmed that it would have adequate capacity to enroll Ripton students on a tuition basis in each grade that the potential receiving school operates.

The following is a list of all public and independent schools offering some subset of grades PreK-12:

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Middlebury Union Middle and High School, capacity confirmed

- Mount Abraham Union Middle and High School, capacity confirmed
- Otter Valley Union Middle and High School, capacity confirmed

In your letter, you suggest there will be an opportunity for other Ripton residents to testify that Ripton students “will attend a school that is in compliance with” State Board rules. Is your hope to limit testimony to this sole preview? I ask because there are various individuals from Ripton and other ACSD towns that have approached me asking to speak on our behalf, but it is my belief that their comments are much broader in scope. Please advise.

We understand that next steps include exit negotiations with ACSD and we are awaiting to hear from ACSD and Ripton Town attorneys as to what legal steps are needed to reconstitute/vote on a Ripton Town School District Board.

SBE considerations pertaining to the remaining towns in ACSD are also understood. In summary, the SBE will decide whether it is in the best interest of State, towns and students if ACSD continues to exist as a unified school district or if individual town districts shall be reconstituted.

Lastly, because of Ripton’s size, the potential future supervisory union that Ripton is assigned to will also be identified. Reintroducing an SU on top of ACSD would afford the benefit of familiarity and continuity- especially as it pertains to Special Education and Ripton students going to MUMS and MUHS; however, after being in close communication with White River Valley Supervisory Union and its Superintendent Jamie Kinnarney, we, as the designated persons of Ripton, feel it is in Ripton’s best interest to align with WRVSU. We were able to meet with both Kathy Galluzzo, the WRVSU Board Chair, and Superintendent Kinnarney to discuss WRVSU and all of our current priorities. The meeting was productive and there is a meeting scheduled with the WRVSU Executive Board for Monday, April 26. Our priorities and vision appear to align nicely with the current Road Map for Success that WRVSU has articulated; however, we understand that WRVSU can’t make any type of public statement other than the aforementioned until after the board discusses it on Monday, April 26.

Thank you again for your correspondence. We look forward to moving ahead as smoothly as possible.

Warmly,
Joanna Doria
Ripton School Executive Committee Member

On Apr 9, 2021, at 9:49 AM, Carroll, John <John.Carroll@vermont.gov> wrote:

Dear Ms. Cox, Ms. Phinney, Ms. Doria, and Ms. Hoyler:

I have been informed as of yesterday that you four individuals have been designated to represent the interests of the residents of Ripton before the State Board of Education in the matter of Ripton's request for approval to withdraw from the Addison Central School District (ACSD). In this email you will be referred to as the "designated persons".

We understand that the voters of the Addison Central School District (ACSD) residing in Ripton voted to withdraw from the ACSD, the ACSD voters residing in each of the other towns within the district voted to approve Ripton's withdrawal, and the parties are preparing to present the matter to the State Board of Education.

This e-mail provides guidance regarding the next steps in the State Board's process in considering matters such as this.

A. Placement on the State Board's Agenda

The State Board meets monthly on the third Wednesday of the month. In cases such as this, the Board generally needs at least two meetings, and possibly more, to hear from interested parties, to discuss and determine its findings, and to render its decision. The State Board typically needs four weeks' notice to place a new matter on its agenda. Scheduling and timing can be affected by the number of other pressing issues on the Board's agenda.

The State board has scheduled an initial 30-minute period at the State Board's Wednesday, April 21, 2021 meeting for the first step in this process. We will e-mail you with the precise time approximately one week before the meeting. We require that the person or persons speaking on behalf of the ACSD's voters living in Ripton — i.e. the designated persons — be present *electronically* at the meeting to answer any questions the Board may have. We will send instructions for entering the meeting when it is closer to the date.

B. Designated Persons Representing the Interests of Ripton Residents

The Legislature has not provided guidance regarding what person or entity is authorized to represent the interests of the withdrawing member in withdrawal proceedings before the State Board where, as here, there is no active town school district or elected town school board. The Agency of Education has advised the State

Board that the Ripton Selectboard has no legal authority to act on behalf of the ACSD voters who reside in Ripton or the town school district, before or after it is reconstituted.

In addition, potential conflicts of interest might prevent union school district board members from acting in this capacity in many instances because members elected to a union school board owe a duty to the union school district and not to the potentially withdrawing member.

Absent guidance from the Legislature in this matter, the Board's recommendation has been that one or more (but not more than four) of the Ripton residents who have led the withdrawal activity assume the primary role of representing the interests of Ripton residents in proceedings before the State Board. Accordingly, you four have been designated by the appropriate entities in Ripton to represent the interests of the residents of the Ripton — i.e. the "designated persons" — before the State Board.

C. Written Submissions in Advance of the First State Board Meeting

In order to approve the request of the voters residing in Ripton to withdraw from the ACSD, Vermont law requires the State Board to determine that the students living in Ripton "will attend a school that is in compliance with the rules adopted by the State Board pertaining to educational programs." 16 V.S.A. § 724(c).

To make this determination, the State Board requires that the designated persons provide written evidence to the Board that, after withdrawal, the Prekindergarten through Grade 12 ("PreK-12") students in Ripton will attend a school that complies with State Board rules. At a minimum, the State Board will need the following information:

1. The grades for which the ACSD operated a school in Ripton during the 2019-2020 and 2020-2021 school years, and the grades for which the ACSD operated one or more other schools in which students residing in Ripton were enrolled.
2. The number of ACSD students in each grade, PreK-12, who resided in Ripton in the 2019-2020 school year and who currently reside in Ripton.
3. Whether it is anticipated that, when the Ripton School District is reconstituted, it will continue to provide education in the grades currently offered in the school ACSD operates in Ripton and will pay tuition for all other grades.
4. If it is anticipated that the Ripton School District will seek voter approval to begin operating grades or paying tuition for grades that differ from the pattern set out in #3 above, then:
 - a. The grade(s) for which the Ripton School District is likely to change the

pattern of operating and tuitioning.

- b. The school year in which is it likely that a change from operating to tuitioning, or from tuitioning to operating, would occur.
5. (a) The names of all public and independent schools offering PreK-12, or some subset of those grades, that are located within a “reasonable” driving distance from students living in Ripton, and (b) for each identified school, whether the school has confirmed that it would have adequate capacity to enroll Ripton students on a tuition basis in each grade that the potential receiving school operates.

We require that the designated persons provide written responses to the questions listed above be provided no later than Thursday, April 15 at noon to the following addresses so that the responses can be shared with all State Board members in advance of its meeting:

John.Carroll@vermont.gov

Maureen.Gaidys@vermont.gov

Suzanne.Sprague@vermont.gov

If the designated persons’ full responses to the questions above are not received by us by noon on April 15, the Board will postpone consideration of this matter until its next regular meeting on May 19.

D. Designated Persons’ Role at the State Board Meeting

For the reasons explained in Item B above, we require that one or more of the designated persons speak briefly on behalf of withdrawal at the State Board’s April 21 meeting, and answer the Board’s questions.

The State Board will also provide an opportunity for any other Ripton resident to testify if that person wishes to share information that will assist the State Board to determine whether, post-withdrawal, Ripton students “will attend a school that is in compliance with” State Board rules.

E. State Board’s Declaration Approving Withdrawal & Next Steps

If the State Board issues a declaration approving Ripton’s withdrawal from the ACSD, then 16 V.S.A. § 724 establishes that withdrawal is effective, and therefore the town district is reconstituted,

“...as of July 1 immediately following [the Board’s declaration affirming withdrawal] or as soon thereafter as the obligations of the withdrawing district have been paid to, or an agreement made with, the union school district in an

amount satisfactory to the electorate of each of the other towns and cities within the unified union school district."

In addition, a reconstituted Ripton School District cannot assume sole responsibility for the education of its resident students until certain statutory obligations are met, such as the preparation of a town school budget by an elected school board and approval of that budget by the voters.

At a minimum, therefore, there is a need for:

1. An entity with legal authority to negotiate the financial terms of withdrawal, which is both:
 - a. Confirmed by a vote of the residents to be "satisfactory to the electorate of each of the other towns and cities within" the union school district; and
 - b. Legally binding on the town school district, once it is reconstituted;
2. An elected school board that can prepare a proposed budget for the town school district's first year of operations and otherwise prepare for the town school district to assume sole responsibility for the education of resident students; and
3. A voter-approved budget for the town school district (or at the very least, a budget proposed by an elected school board) to be in place on the date the town school district assumes sole responsibility for its resident students.

The Legislature has not provided guidance regarding what person or entity is authorized to represent the interests of the withdrawing member in these matters.

The State Board's declaration issued in the only recent withdrawal proceeding stated that the withdrawal was approved and the town school district was reconstituted, but that in the period between the State Board's declaration and the date the withdrawing district assumed sole responsibility for the education of resident students, an elected board of the reconstituted district was authorized to be elected and to exist solely for the purpose of transitioning to full operations. After the Board issued the declaration, the election of board members proceeded pursuant to 16 V.S.A. § 424(c), which directs the Secretary of State to warn a special meeting for this purpose when all seats are vacant.

We anticipate that the State Board will issue a similar declaration in connection with the ACSD/Ripton proceeding. That is, the State Board will likely declare that:

1. The withdrawal will be in effect and the town school district will have sole responsibility for the education of resident students as of some date in the future; and

2. In the interim, a school board elected pursuant to 16 V.S.A. § 424(c) will be authorized to take all actions necessary for the withdrawal to be finalized and the town school district to assume sole responsibility, such as:
 - a. Negotiating the financial terms of withdrawal with the ACSD that are then confirmed to be “satisfactory to the electorate of each of the other towns and cities within” the union school district per § 724; and
 - b. Preparing and warning a proposed town school district budget for approval by the voters of the town school district.

We understand that the attorneys for the ACSD and the Town of Ripton have discussed a process and timeline for these steps to occur. At my request, the Agency’s legal staff has included a potential conditional declaration of withdrawal and reconstitution for the Board’s consideration that incorporates the attorneys’ proposed process and timeline, and that also addresses the issues in Item F.

F. The Remaining Towns Within the ACSD and Supervisory Union Boundaries

If the State Board approves the withdrawal of Ripton, then the Board is statutorily required to determine “whether it is in the best interests of the State, the students, and the [towns] remaining in the [ACSD] that the [ACSD] continue to exist” after Ripton’s withdrawal, or whether the State Board should declare the remaining towns within the union school district to be reconstituted as individual town school districts. 16 V.S.A. § 724(c). The State Board will be asking the person(s) having legal authority to speak on behalf of the remaining towns within the ACSD to provide the Board a written response to this question.

In addition, if the State Board approves the withdrawal of Ripton, then the Board will also need to identify the supervisory union to which it will assign the Ripton School District. Pursuant to 16 V.S.A. § 261a, the Board has independent authority to review and re-define supervisory union boundaries “in such manner as to afford increased efficiency or greater convenience and economy and to facilitate prekindergarten through grade 12 curriculum planning and coordination as changed conditions may seem to require.” The State Board will be inviting comments and proposals concerning Ripton’s assignment.

At its April 21 meeting, the State Board will discuss, and potentially determine a timeline for, submission of written responses and discussions with the Board regarding both the continuance of the ACSD and the location of supervisory union boundaries.

kind regards,

JC

John Carroll

Chair, Vermont State Board of Education