

May 10, 2016

Windham Southeast Supervisory Union
Unified Union School District Study Committee
Alice Laughlin, Chair
53 Green Street
Brattleboro, VT 05301

RE: Vernon Membership on Unified Union School District Study Committee

Dear Ms. Laughlin:

In response to your inquiry, the Vernon School Board has no legal authority to withdraw the Vernon School District, or the District's statutorily appointed members, from the Windham Southeast SU Study Committee. The Vernon School Board's recent vote neither dissolves the Study Committee nor affects the nature of its work. If the Study Committee ultimately decides to recommend formation of a union school district, then it may choose to name the Vernon School District either as a "necessary district" or as an "advisable district" pursuant to 16 V.S.A. § 706b, even if Vernon's appointees choose not to continue to participate.

All voluntary mergers within the Act 46 framework are governed by processes established in statute nearly 50 years ago and that remain unchanged by Act 46. Nothing in existing law authorizes or contemplates withdrawal of an individual district once it has become a formal member of a § 706 study committee and the district's representative members have been appointed. In fact, if a school board had this authority, then even if a district joined a study committee upon petition of 5% of the voters (because the school board initially voted against participation), nothing would prevent the school board from subsequently subverting the voters' petition by later voting to withdraw the district from the study committee.

Pursuant to statute, a study committee discontinues its work and ceases to exist in only one of two ways: If a study committee decides to prepare proposed articles of agreement, then it ceases to exist when the clerk of each voting district has certified the vote of the electorate to the Secretary of Education. 16 VSA § 706b(a). Alternatively, if a study committee decides that it is inadvisable to form a union school district, then the committee's work is at an end. 16 VSA § 706b(b).

A study committee's composition is unaffected by any action of a school board regarding the district's membership and participation. Appointed members do not report to the school board. Rather, when a study committee's work is complete, the committee presents its findings and report to my office. If the report recommends formation of a union school district, then a vote to approve or disapprove the proposal is taken first by the State Board of Education and then by the districts' voters. In contrast, the only authority statutorily granted to a school board in connection with the study committee's work is to "review and comment" upon the proposal before it is sent to my office.

Because a school board has no authority to withdraw a district from a study committee that the district has formally joined, then nothing prohibits the study committee from naming the district as a "necessary district" or an "advisable district." In addition, a study committee can contact a district that is *not* a formal member of the study committee if the committee believes the district "may be advisable to include within a new union school district" and can name that district as "advisable" in its proposed articles of agreement. 16 VSA § 706b(b) and § 706b(b)(1)-(2).

My hope is that the duly appointed Vernon members will choose to continue to participate in future meetings of the Study Committee until the work of the Committee is completed. Pursuant to statute, the Study Committee must determine whether the formation of a union school district is advisable and, if so, prepare a report and proposed articles of agreement identifying all necessary and any advisable districts.

Best,



Rebecca Holcombe
Secretary of Education