



Westminster Community Schools

Elizabeth Harty, Principal

Bridget Goodell, Administrative Assistant

www.wnesu.com/wcs

Testimony of Dr. Cheryl Charles, Chair, Westminster Town School Board

February 9, 2022

**To the House Education Committee in their consideration of 22-0275 T.16, Chapter 11,
Revised**

Chairperson Webb, Ranking Member Conlon, and other distinguished members of the House Committee on Education, thank you for the opportunity to comment on these proposed changes to current legislation.

Let me say clearly that I strongly discourage your making any changes to the current law. I make this recommendation from recent first-hand experience with the process of the town of Westminster's withdrawal from the Windham Northeast Union Elementary School District (WNUESD). I have served as an elected school board member in Westminster, Vermont since 2016. Noticing that date, you may quickly recognize that my service spans from the early days of the implementation of Act 46.

I want to describe the process involved with Westminster's withdrawal from the WNUESD. That district was created in 2018 by the Vermont State Board of Education when it forcibly merged the towns of Athens, Grafton and Westminster's students into this new district.

I won't go into our towns' and villages' experiences with Act 46 through the years, although I would be pleased to do so. I will specifically address today the proposal you are considering to change current law to make it even more difficult than it currently is for a town to withdraw from a unified or union school district. I want to assure you that current law includes provisions for rigor, analysis, educational leadership, and citizen engagement in a thoughtful and well-informed process.

Under the terms outlined in the current law, Westminster's townspeople petitioned and voted to withdraw from the WNUESD in January of 2021, after two years of membership in the WNUESD. The vote for Westminster to withdraw from the WNUESD was subsequently ratified by the voters in Athens and Grafton on March 2. Representatives of the WNUESD, the Windham Northeast Supervisory Union, and the town of Westminster presented testimony and documentation in support of the withdrawal to the Vermont State Board of Education on April 21, on which date the Board voted its conditional approval after discussion, additional

questions, and emphasis on the criterion in the law “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.” It was our responsibility to gather the evidence to demonstrate that we could provide quality educational programming as required by law.

I note that it would have been possible, according to the law, for the State Board to “declare the membership of the withdrawing member in the union school district to end as of July 1, immediately following, or as soon thereafter as the obligations of the withdrawing member were paid, or an agreement made with, the union school district in an amount satisfactory to the electorate of each member of the union school district. The State Board chose to require those obligations to be fulfilled not immediately following, but asserted that Westminster “shall assume sole responsibility for the education of its resident students in prekindergarten through grade 8 on July 1, 2022.” They further stated that between April 21, 2021 and July 1, 2022, the Westminster School District would exist solely to meet a set of conditions that they outlined. Those are briefly summarized: 1) elect school board members, 2) negotiate a financial agreement, 3) have the residents vote to approve the negotiated financial agreement, 4) provide a written report to the State Board of Education no later than September 8, 2021, and 5) attend the meeting of the State Board of Education on September 15 to answer any additional questions.

Following the conditional approval by the State Board in April 2021 for the town’s withdrawal, Westminster worked with the WNUESD to determine the financial arrangements. Long prior to that process, townspeople in all three towns spent considerable time and energy to determine what the cost consequences would be for the towns, the tax payers and all involved.

Throughout our years of functioning as a WNUESD, it was simple to code our budgets so that it was clear what expenditures and revenue applied to the building in Grafton that serves Athens and Grafton students, and those that applied to the buildings in Westminster. It is incorrect to assume these kinds of administrative tasks are a major burden. This is a matter of notation not significantly different from what a large district might do to keep track of regional or building level expenses. We were well-positioned to have taken responsibility and authority by July 1 of 2021. The State Board did not consider that possibility but rather created a process by which the reinstated school board could not take full responsibility until 18 months after the voters in Westminster initially voted to approve this withdrawal. I have attached to this testimony a PDF that provides documentation of many of the steps involved.

This was a painstaking, thorough and thoughtful process. The State Board of Education asked us to meet a set of rigorous requirements. They asked probing questions, both in April at our initial hearing, and again in September. The current law works, is responsible, and does as intended.

The proposed changes to the law you are currently considering will impose additional and unnecessary obstacles. As one example, the idea of another study committee is burdensome beyond reasonableness. It is yet another time-consuming set of requirements with detrimental effects and insufficient return to warrant its imposition. As one with direct experience in the

form of making a case to the State Board of Education on several occasions, and watching that board disregard the will of the voters and the thoughtful work of study committees over time, I think this proposed change to legislation is not a reasonable proposal for additional authority on the part of the State Board. The current law is effective. It already requires the kind of diligence and documentation that seems to be the best of the intent of the current proposed legislation.

In that spirit, given our experience with the thoroughness of the requirements of the current law and the integrity of the process already in place, I strongly urge you to permit those towns currently engaged in the process of withdrawal to continue with authority to present to the State Board and to allow the State Board to responsibly honor the current law. Slowing down an existing and proven process while in the process of hypothetical changes to the law disrespects current law and the voters who have gone through all the necessary steps to make this request.

In sum, I urge you to support the current law that allows withdrawal of members from school districts, and to make none of the changes currently being proposed.

LAW OFFICE
SALMON & NOSTRAND

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LAWRENCE G. SLASON**
SAMANTHA L. SNOW

ALL ATTORNEYS ADMITTED IN VERMONT
**ALSO ADMITTED IN NEW HAMPSHIRE

THOMAS P. SALMON
RETIRED - 2015

IN MEMORIAM
GEORGE W. NOSTRAND
RICHARD H. COUTANT

April 2, 2021

John Carroll, Chair
State Board of Education
1 National Life Drive, Davis 5
Montpelier, Vermont 05620

Via USPS and Electronic Mail to:
john.carroll@vermont.gov

**Re: Town of Westminster Withdrawal from Windham Northeast
Union Elementary School District**

Dear Chairman Carroll and Members of the Board:

Our office is legal counsel to the Town of Westminster, Vermont. On January 5, 2021, the Town of Westminster, at a special town meeting, voted overwhelmingly to withdraw from the Windham Northeast Union Elementary School District (hereinafter "Union District"). On March 2, 2021, the towns of Athens and Grafton voted to "approve and ratify" the withdrawal of the Town of Westminster from the Union District.

The Town of Westminster requests a meeting before the State Board of Education to approve Westminster's withdrawal from the Union District and declare the membership of Westminster in the Windham Northeast Union Elementary School District to end, as of July 1, 2021, or as soon thereafter as any obligations of the Town of Westminster have been paid to, or an agreement made with, the Union District satisfactory to Athens and Grafton.

Education of Students Going Forward

Westminster Elementary students will continue to receive educational services within the same educational setting and from the same highly skilled educators which presently serve Westminster children. Pre-K through grade 6 students will continue to attend Westminster Center School. Grades 7 and 8 will continue to be offered school choice. Grades 9-12 will attend Bellows Falls Union High

School. These schools are in compliance with rules and regulations adopted by the Board pertaining to educational programs within the State.

In the towns of Athens and Grafton, Pre-K through grade 6 students will continue to attend classes at the elementary school building in Grafton. Grades 7 and 8 will continue to be offered school choice. Grades 9-12 will attend Bellows Falls Union High School.

Westminster, Athens and Grafton will remain members of the Windham Northeast Supervisory Union.

The Union District will remain intact with the towns of Athens and Grafton comprising a joint Board responsible for administration of the Union District.

Procedural Chronology

November 30, 2018. The Windham Northeast Union Elementary School District comprised of the towns of Athens, Grafton and Westminster was created pursuant to Act 46 and certified as a body politic and corporate within the powers incident to a municipal corporation, by virtue of Certification issued by the State Board of Education. See: Exhibit A, attached.

January 5, 2021. At a special town meeting, Westminster voters approved the withdrawal of the Town of Westminster from the Windham Northeast Union Elementary School District. The certified vote was 200 in favor of withdrawal and 58 opposed. See: Exhibit B, attached.

March 2, 2021. The towns of Athens and Grafton voted to “approve and ratify” the withdrawal of the Town of Westminster from the Windham Northeast Union Elementary School District. In Athens, the vote was 132 in favor and 42 opposed. In Grafton, the vote was 190 in favor and 18 opposed. See: Exhibit C, attached.

March 10, 2021. The Westminster Selectboard appointed five (5) town residents to an Interim Town School District Board to effect the transition and return of the operation of schools and educational programs to the Town School District. See: Exhibit D, attached.

March 30, 2021.

The Westminster, Athens and Grafton votes were certified to the Vermont Secretary of State. See: Exhibit E, attached.

May 15, 2021.

The Westminster annual town meeting, originally scheduled for March 2, 2021 has been postponed to May 15, 2021.

The Town of Westminster will hold its annual town meeting at which time it will elect five (5) town residents to the Westminster Town School District Board with staggered terms, as existed prior to the merger. See: Exhibit F, Article 17, attached.

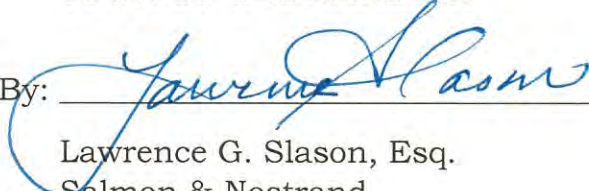
We respectfully request that approval of the Town of Westminster's withdrawal from the Windham Northeast Union Elementary School District be placed on the agenda of the State Board of Education at the earliest opportunity. Please let us know if there is any additional information you may need.

We look forward to meeting with you and the members of your Board.

Very truly yours,

TOWN OF WESTMINSTER

By: _____

Lawrence G. Slason, Esq.

Salmon & Nostrand

P.O. Box 535

Bellows Falls, VT 05101

Phone: 802-463-4507

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lawrencelason@salmon-nostrand.com



CERTIFICATION OF THE WINDHAM NORTHEAST UNION ELEMENTARY SCHOOL DISTRICT

Created Pursuant to 2015 Acts and Resolves No. 46

We, Krista Huling, Chair of the Vermont State Board of Education, and Daniel M. French, Secretary of the Vermont Agency of Education, hereby certify that the Athens School District, the Grafton School District, and the Westminster School District are designated as the **Windham Northeast Union Elementary School District** (the Union District) pursuant to the State Board of Education's Final Report of Decisions and Order on Statewide School District Merger Decisions, dated November 28, 2018 and issued on November 30, 2018, as required by 2015 Acts and Resolves No. 46, Sec. 10, as amended (the Order), and the incorporated default Articles of Agreement for the Union District (the Articles).

The Union District shall provide for the prekindergarten through grade 8 education of students residing in the towns of **Athens, Grafton, and Westminster** under the terms and conditions specified in the Order and the Articles.

Accordingly, the Union District is a body politic and corporate with the powers incident to a municipal corporation, may sue and be sued in the name of the Union District, may hold or convey real and personal estate for the use of the Union District, and shall exercise all the powers and responsibilities of a unified union school district in accordance with Chapter 11 of Title 16 of the Vermont Statutes Annotated. The Union District shall be known by the name set forth in Article 1(B) of the Articles, until such time as the Union District may amend the name pursuant to Article 14.

Dated this 30th day of November, 2018.

Krista Huling, Chair
State Board of Education

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



Warning for Special Town Meeting

Town of Westminster, Vermont


January 5, 2021 by Australian Ballot**Vote to take place at the Westminster Town Hall on Route 5****From 10:00 AM to 7:00 PM**

Article I Shall the voters of Westminster approve the withdrawal of the Town of Westminster from the Windham Northeast Union Elementary School District ?

Article II In the event Article I is approved, shall the voters of Westminster authorize and instruct the Westminster Selectboard to undertake all steps necessary to do the following;

- 1) Form a Westminster Town School District to be responsible for the operation of schools and educational programs for Westminster students;
- 2) Obtain the return to the Westminster Town School District of all school buildings and property owned by the Town School District prior to the forced merger;
- 3) Appoint five (5) town residents to an interim Town School District Board to effect the transition and return of the operation of schools and educational programs to the Town School District; and
- 4) Schedule a Town election at the next annual Town meeting of 2021 to elect five (5) town residents to the Town School District Board with staggered terms as existed prior to the forced merger.

Dated this 30th day of November 2020, Westminster, Vermont

Town of Westminster Selectboard
Susan Harlow – Chair
K. Sheldon Beebe – Vice Chair
Kevin Hughes – Clerk
Toby Young
Craig Allen
Attest: Pauline Blake O'Brien, Clerk

**OFFICIAL BALLOT
SPECIAL TOWN MEETING
WESTMINSTER, VERMONT
JANUARY 5, 2021**

INSTRUCTIONS TO VOTERS

A. TO VOTE, completely fill in the OVAL to the RIGHT of your choice(s) like this: ☒

ARTICLES

Article I Shall the voters of Westminster approve the withdrawal of the Town of Westminster from the Windham Northeast Union Elementary School District?

YES ☐

NO ☐

Article II In the event Article I is approved, shall the voters of Westminster authorize and instruct the Westminster Selectboard to undertake all steps necessary to do the following;

- 1) Form a Westminster Town School District to be responsible for the operation of schools and educational programs for Westminster students;
- 2) Obtain the return to the Westminster Town School District of all school buildings and property owned by the Town School District prior to the forced merger;
- 3) Appoint five (5) town residents to an interim Town School District Board to effect the transition and return of the operation of schools and educational programs to the Town School District; and
- 4) Schedule a Town election at the next annual Town meeting of 2021 to elect five (5) town residents to the Town School District Board with staggered terms as existed prior to the forced merger.

YES ☐

NO ☐

SPECIAL TOWN VOTE

JANUARY 5, 2021

ARTICLE 1

YES 200

NO 58

UNDERVOTE (BLANK) 1

OVERVOTE 0

ARTICLE 2

YES 219

NO 35

UNDERVOTE (BLANK) 5

OVERVOTE 0



P.O. Box 180

TOWN OF GRAFTON
(802)843-2419

Main Street

March 30, 2021

Vermont Agency of Education
Secretary Daniel M. French
1 National Life Drive, Davis 5
Montpelier, VT 05620

Re: Notification by the Clerk of the Windham Northeast Union Elementary School District #95 of the votes of the legal voters of the Towns of Grafton and Athens on the question of approval and ratification of the withdrawal of the Town of Westminster from the Windham Northeast Union Elementary School District.

The Clerk of the Windham Northeast Union Elementary School District, Kimberly Record, hereby notifies Secretary of Education, Daniel M. French that the legal voters of both the Town of Athens and the Town of Grafton did, on March 2, 2021, at Town Meeting Day in each Town, by Australian ballot, voted to approve and ratify the withdrawal of the Town of Westminster from the Windham Northeast Elementary Union School District.

The vote in each Town on the Article to ratify and approve the Westminster withdrawal was:

The legal voters of Athens voted **132 Yes, 42 No** on the question "ARTICLE 1: Shall the voters of the Town of Athens approve and ratify the withdrawal of the Town of Westminster from the Windham Northeast Union Elementary School District...."

The legal voters of Grafton voted **190 Yes, 18 No** on the question "ARTICLE 1: Shall the voters of the Town of Grafton approve and ratify the withdrawal of the Town of Westminster from the Windham Northeast Union Elementary School District...."

Respectfully submitted as required by law,

Kimberly Record
Kimberly Record

Clerk of the Windham Northeast Union Elementary School District.

MEETING OF WESTMINSTER SELECTBOARD

Wednesday, March 10, 2021

Meeting Held by Zoom Conferencing

Members Present: Susan Harlow, Kevin Hughes, Toby Young, Craig Allen and new elected member, Jason Perry

Others Present: Nate & Cynthia Stoddard, Russ Lazarek, Cheryl Charles, David Major, Fran Renaud, Millie Barry (Recording Clerk) and FACTV

1. **Call to Order** - Town Manager - The meeting was called to order at 6:30 p.m. by Russell Hodgkins, Town Manager to re-organize the Select Board. This meeting was held remotely due to Covid19 pandemic and State of VTY recommendations regarding public meetings. Information to access a future meeting is available through FACTV Facebook page, on the Town of Westminster website or by contacting the Westminster town office
2. **Re-organization of the Selectboard** - Mr. Hodgkins asked for nominations for chair of the Select Board -
 - a) Chair - Susan Harlow moved to nominate elect Kevin Hughes as chair of the board, Toby Young seconded. Kevin Hughes accepted the nomination, nomination passed. Mr. Hughes proceeded with re-organization of the board.
 - b) Vice Chair - Toby Young nominated Craig Allen as vice chair of the board, Susan Harlow seconded. Craig Allen accepted the nomination, nomination passed.
 - c) Clerk - Craig Allen nominated Susan Harlow as clerk of the board. Toby Young seconded, Susan Harlow accepted the nomination, nomination passed. Mr. Hughes welcomed Jason Perry as the newly elected Selectboard member.

Mr. Hughes thanked K. Sheldon Beebe for his many years of service on the board and to the Town of Westminster. Mr. Hughes said Mr. Beebe would be missed as he had done a lot for the Town seen and unseen.

Craig Allen thanked Susan Harlow for her service as chair of the board in the past year during the Covid pandemic. Kevin Hughes echoed Mr. Allen's thanks.

3. **Adjustments to Agenda** - None
4. **Acceptance of Minutes** - February 24, 2021 - Susan Harlow motioned to accept the minutes of February 24, 2021, Craig Allen seconded, minutes accepted.
5. **Communications and Public Comments** - None
6. **Unfinished Business (Discussion/Action)** -
 - A. Town Meeting Procedure - rain date - In case of heavy rain on May 15, 2021 Mr. Hodgkins said May 16, 2021 at 1:00 p.m. had been chosen as the rain date for town meeting. The Board agreed with rain date.
 - B. Possible Website Renewal - update - Susan Harlow said what started as social media committee has been changed to communications committee. Russ Lazarek is volunteering and being paid to assist the committee to update the Town website and make it easier to navigate and use. The committee would like to add information including a calendar, history page and to update information on site easier and faster. Work on the website is on-going.
 - C. Collaborative Finance Processing Manual - Third draft - Information included in packet - Mr. Hodgkins said before the next meeting he would have input from Mr. Harlow to further update manual.

7. New Business (Discussion/Action):

- A. First Draft of Yearly Appointments of Record - Information included in packet - Mr. Hodgkins updated some officers during the meeting. The Manager will follow up with others to confirm interest. The list will be approved at a future meeting.
- B. Liquor Licenses (2) renewals - Information included in packet for licenses at Allen Brothers, Inc. and Westminster Station Market. The Manager said both businesses have had licenses for many years without problem. Susan Harlow motioned to accept the two licenses. Toby Young seconded, motion carried. Craig Allen abstained from vote,
- C. Town Land off Davidson Hill - update - The Manager said there was some interest in the land. Expenses to date are about \$7,950.00 in clean-up costs to remove/dispose of a mobile home that previously occupied the site. Also, included in expense is back taxes. The parcel is about one acre and very narrow. Through legal counsel the parcel will be auctioned after publication. Mr. Hodgkins requested the board consider a minimum price they would accept for the parcel. The price paid for the land would hopefully cover the past taxes of about \$2,400.00.
- D. Selectboard Appointment - interim five person board for the Westminster School District - information included in packet - David Major said the interim board is the result of the Town of Westminster voting to withdraw from the forced merger with the town schools of Athens and Grafton. Athens and Grafton have approved Westminster withdrawing from the district leaving the need for an interim board for Westminster school. After a lengthy discussion, including the opinion of legal counsel, Susan Harlow moved to appoint 5 Westminster town residents to an interim town school district board to effect the transition and return of operation of school and educational programs to the Town School District. Those appointed are Melissa Carlstrom, Elise Manning, Vanessa Stern, Charles Hutchinson and Cheryl Charles. Craig Allen seconded motion, motion carried. Petitions for one, two and three year positions for a permanent board will be decided at Town Meeting May 15, 2021. The possibility to conduct a paper ballot for the school board positions will be considered. Susan Harlow said the positions were advertised, with the approval of Town counsel, on the Town Facebook page and Front Porch Forum. Mr. Hodgkins stated his belief the State Board of Education takes the summer months off with the possibility there will be no approval/disapproval from the State Board until August regarding Westminster withdrawing from the forced merger. Mr. Major said a presentation to withdraw from the forced merger would be required and Cheryl Charles said she believed it was important to present commitment by a board presenting information to the State Board to recognize the Towns intent to withdraw from the forced merger.

8. Manager's Report:

- 1). Recycling Violations - update - Mr. Hodgkins said the Town was cracking down on violations in the program. He noted people are mixing trash and recycling, bags are not placed in lidded containers and business trash, due to expense of disposal, is being mixed with residential trash. Also, tags were being ripped in half with one half tag on a bag. There is a violation tag being placed on individual containers to be sure residents are in compliance. Nate Stoddard asked the board re-consider some of the rules when the disposal contract was renewed. He said using lidded containers was extreme and believed recycling could be easier. Mr. Hodgkins clarified it was permitted to tie two 16 gallon bags together and use one tag as long as 30 pound or 30 gallon limit is met. Tags are required to be wrapped once around the tie or neck of the bag.

2). Pavement Bids due on March 12, 2021 - Quite a few companies have shown interest in paving project.

3). Delinquent Tax Reminder - mailed March 11, 2021 for any resident owing delinquent property tax

- Tax Sale Notice (2nd mailing) - requesting action will be mailed March 25, 2021
- All two plus year delinquent tax parcels with no attempt to pay or request assistance will be given to legal counsel on April 9, 2021. Residents that have contacted the Town Manager or created a contract or payment schedule will not be included on list.
- Tax Sale- beginning early to mid July 2021.
Kevin Hughes requested updated information on those owing tax and the amounts owed.

4) Selectboard seminar - contact Mr. Hodgkins with interest - Information included in packet did not include date of seminar. Mr. Hodgkins will follow up with board regarding date.

9. Boards and Commissions:

The Planning Commission is planning a sub-committee meeting Monday, March 15, 2021 to weigh in on their community mapping event. The Commission would like participation by other boards and commissions, including Selectboard.

In another matter, the Board decided to continue meeting the second and fourth Wednesday of each month at 6:30 p.m.

10. Other Business: Cynthia Stoddard questioned if the assistant treasurer had resigned. Mr. Hodgkins replied this was likely but not official. There will be further information at the next meeting.

11. Date of Next Meeting: March 24, 2021

12. Adjournment: Toby Young motioned to adjourn at 7:36 p.m. Susan Harlow seconded, meeting adjourned.

Clerk

Date



P.O. Box 180

TOWN OF GRAFTON
(802)843-2419

Main Street

March 30, 2021

Vermont Secretary of State
Jim Condos
128 State Street
Montpelier, VT 05633

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The vote in the Town of Westminster on the Article to ratify and approve the Westminster withdrawal was:

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Respectfully submitted as required by law,

A handwritten signature in cursive script that reads "Kimberly Record".

Kimberly Record
Clerk of the Windham Northeast Union Elementary School District.



P.O. Box 180

TOWN OF GRAFTON
(802)843-2419

Main Street

March 30, 2021

Office of the Vermont Secretary of State
Jim Condos
128 State Street
Montpelier, VT 05633

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Respectfully submitted as required by law,

Kimberly Record
Kimberly Record

Clerk of the Windham Northeast Union Elementary School District.

Warning for Annual Meeting
Town of Westminster, Vermont



February 27, 2021

- Article 1 : To choose all Town Officers by Australian ballot, Tuesday, March 2, 2021.
- Article 2 : To hear the reports of the Town Officers and to take action thereupon.
- Article 3 : Shall the voters of the Town of Westminster authorize total General Fund expenditures for operating expenses of \$2,128,145, of which \$1,504,265 shall be raised by taxes, and \$ 523,880 by estimated revenue and \$100,000 from the fiscal year 2019-2020 General Fund surplus, for the fiscal year beginning July 1, 2021 and ending June 30, 2022.
- Article 4 : Shall the voters of the Town of Westminster raise and appropriate the sum of \$145,000 for the Town Highway Equipment Reserve Fund.
- Article 5 : Shall the voters of the Town of Westminster raise and appropriate the sum of \$15,000 for the Bridge Rehabilitation Reserve Fund.
- Article 6 : Shall the voters of the Town of Westminster authorize the sum of \$35,000 to be transferred from the fiscal year 2019-2020 General Fund surplus into the Capitol Improvement Fund for the renovation of the Westminster Town Hall previously established by Article 15 at the Annual Meeting of March 1, 1999.
- Article 7 : Shall the voters of the Town of Westminster authorize the sum of \$10,000 to be transferred from the fiscal year 2019-2020 General Fund surplus into the Bridge Rehabilitation Fund for the preservation of our bridges previously established by Article 17 at the Annual Meeting of March 2, 2010.
- Article 8 : Shall the voters of the Town of Westminster raise and appropriate the sum of \$800 in addition to the sum (\$4,600) included in the budget proposed by the Selectboard making the total \$5,400, for the support of the Westminster Gazette.
- Article 9 : Shall the voters of the Town of Westminster raise and appropriate the sum of \$2,500 in addition to the sum (\$11,500) included in the budget proposed by the Selectboard making the total \$14,000, for the support of Visiting Nurses & Hospice.
- Article 10 : Shall the voters of the Town of Westminster raise and appropriate the sum of \$500 in addition to the sum (\$2,500) included in the budget proposed by the Selectboard making the total \$3,000, for the support of Southeastern Vermont Community Action (SEVCA) to assist Westminster in responding to the emergency needs of the community and providing all available and applicable services to families and individuals in need.
- Article 11 : Shall the voters of the Town of Westminster raise and appropriate the sum of \$1,000 for the support of Senior Solutions (Council of Aging for Southeastern Vermont, Inc.) to provide services to the aging and the disabled residents of the Town.
- Article 12 : Shall the voters of the Town of Westminster raise and appropriate the sum of \$7,500 to support of the cost of operation and maintenance of the Westminster Institute and Butterfield Library?
- Article 13 : Shall the voters of the Town of Westminster raise and appropriate the sum of \$3,000 for the support of the Westminster Historical Society.

Article 14: Shall the voters of the Town of Westminster raise and appropriate the sum of \$2,500 for the support of Greater Falls Connections to provide substance abuse prevention programs to residents of the Town.

Article 15: Shall the voters of the Town of Westminster raise and appropriate the sum of \$9,534.00 for the support of Southeastern Vermont Economic Development Strategies (SeVEDS) to provide workforce and economic coordination services to the Windham Region.

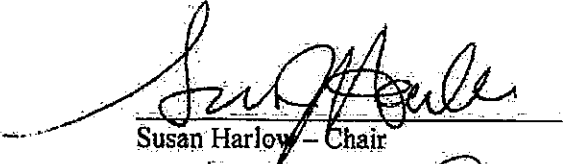
Article 16: Shall the voters of the Town of Westminster raise and appropriate the sum of \$7,000 dollars to the Westminster West Library to join the Catamount Library Network. This will pay for additional hours for the Librarian and additional annual costs associated with joining the network.


Article 17: Shall the voters of the Town of Westminster elect five (5) town residents to a Westminster Town School District Board with staggered terms as existed prior to the forced merger of Westminster into the Windham Northeast Union Elementary School District.

Article 18: To transact any other proper business to be brought before the Town of Westminster Annual Meeting.

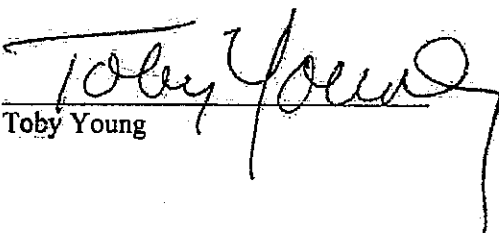
Dated this 13th day of January 2021, Westminster, Vermont

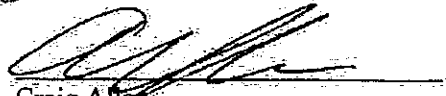
Town of Westminster Selectboard


Susan Harlow - Chair


K. Sheldon Beebe - Vice Chair


Kevin Hughes - Clerk


Toby Young


Craig Allen


Attest: Pauline Blake O'Brien, Clerk



State of Vermont
1 National Life Drive, Davis 5
Montpelier, VT 05620-2501
education.vermont.gov

[phone] 802-828-1130
[fax] 802-828-6430

Agency of Education

April 8, 2021

Lawrence G. Slason, Esq.
Law Office of Salmon and Nostrad
39 The Square, Suite 300
P.O. Box 535
Bellows Falls, VT 05101-0535

RE: Westminster's request to withdraw from the WNUESD

Dear Mr. Slason,

I am in receipt of your letter dated April 2, 2021 sent on behalf of the Town of Westminster to John Carroll, Chair of the Vermont State Board of Education regarding withdrawal from the Windham Northeast Union Elementary School District ("WNUESD").

Among the attachments to the letter are minutes from the March 10, 2021 meeting of the Westminster Selectboard. Item 7(D) reflects action taken by the Selectboard to appoint an "interim five--person board for the Westminster School District."

The Legislature has provided little guidance regarding the process leading to the State Board's declaration approving withdrawal from a union school district. In addition, it has not provided any guidance regarding the process for transitioning from membership in an operational union elementary school district to the assumption of responsibilities as an operational town school district on a date specified in the State Board's declaration.

Nevertheless, it is clear that the Westminster Selectboard has no legal authority: (i) to act on behalf of either the WNUESD voters who reside in Westminster or the dormant town school district, or (ii) to appoint members to an interim board of a town school district, regardless of whether that district is dormant, as here, or has been reconstituted.

A town school district is a municipality and, as such, is a distinct legal entity from the town in which it is located. See, e.g., 16 V.S.A. § 126 (the term "Municipality" shall include a city, town, town school district, incorporated school or fire district or incorporated village, and all other governmental incorporated units"). A school district is governed by its own elected board and its activities are funded by its own, voter-approved budget. In fact, the Legislature has placed a clear "firewall" between a school district's funds and the funds of municipalities other than the school district. 16 V.S.A. § 4029(a) and (b).

As you know, Vermont is a “Dillon’s Rule State” and, as such, municipalities have only those powers and rights granted to them by the State. The Legislature has authorized selectboards to perform certain specified duties on behalf of school districts. For example, the Legislature directs selectboards to perform the “functions [of] warning meetings and conducting elections” in *unified* union school districts (i.e., multi-town districts responsible for prekindergarten-grade 12). 16 V.S.A. § 722(d).

Nothing in statute, however, authorizes a town or its selectboard to make decisions for or take actions on behalf of a school district during the process leading to the State Board’s declaration of withdrawal or while the withdrawing district transitions to the day on which it assumes sole responsibility for its resident students.

In addition, for any town school district in which every board seat is vacant, 16 V.S.A. § 424(c) states:

If there are no town school board members in office, the Secretary of State shall call a special election to fill any vacancies and for that interim shall appoint and authorize the town school district clerk or other qualified person to draw orders for payment of continuing obligations and necessary expenses until a majority of the vacancies is filled.

Therefore, the Agency is advising the State Board that the action taken by the Westminster Selectboard to appoint an “interim five-person board for the Westminster School District” has no basis in law and is of no effect. Accordingly, the “interim board” and its individual members have no authority to warn a vote to elect the members to sit on the board of the town school district once it is reconstituted by the State Board’s declaration. In addition, only the elected school board will have authority to develop a proposed budget for the town school district and to present that budget to the voters of the town school district for approval.

Once the State Board issues its declaration approving and establishing an effective date for the withdrawal of Westminster, the Secretary of State will warn a special meeting to elect school board members pursuant to 16 V.S.A. § 424(c).

As a separate, related matter, there is little statutory guidance regarding the process leading to the State Board’s declaration. Particularly absent is authorization for any person or entity to represent the withdrawing member in financial negotiations with the union school district or in withdrawal proceedings before the State Board where, as here, the union school district does not have active town school districts.

As explained above, the Westminster Selectboard – as an entity – does not have authority to act on behalf of either the WNUESD voters who reside in Westminster or the dormant town school district in financial negotiations that will bind the school district or in proceedings before the State Board.



In general, potential conflicts of interest would also prevent union school district board members from acting in this capacity. In the only recent withdrawal/dissolution proceeding, the State Board permitted the chair and the vice chair of the union school district's board to speak on behalf of the withdrawing members. In that proceeding, however, the only two members of a union district each voted to withdraw from – and thus to dissolve – the union school district. In other situations, this arrangement might create a conflict of interest because members elected to a union school board owe a duty to the union school district and not to the potentially withdrawing member.

Absent any guidance from the Legislature in this matter, the State Board will likely ask for one or more of the residents of Westminster who have led the withdrawal activity to speak on behalf of withdrawal and answer the Board's questions. The State Board also will likely provide an opportunity for any other Westminster resident to testify if the resident wishes to add information that will assist the State Board to determine if, post-withdrawal, Westminster students "will attend a school that is in compliance with" State Board rules.

Sincerely,

A handwritten signature in black ink that reads "Emily Simmons". The signature is written in a cursive, flowing style.

Emily Simmons
General Counsel
Vermont Agency of Education



Carroll, John <John.Carroll@vermont.gov>

Thu, Apr 8, 2021, 6:41 AM

to Jack, Jessa, Lynn, Ginger, Melissa, me, Lawrence, Chris, Pietro, Susan, Sean, Town, Charles, Hardy, stoohey@lynnlawvt.com, Will, JP

Dear Mr. Bryar:

This is in response to your email of 1 April.

We understand that the voters of the Windham Northeast Union Elementary School District (WNUESD) residing in Westminster voted to withdraw from the WNUESD, the WNUESD voters residing in both Athens and Grafton voted to approve Westminster's withdrawal, and the parties are asking that the matter be placed on the State Board of Education's agenda.

This e-mail responds to your request for guidance regarding the next steps in the process.

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.

In response to your April 1 e-mails, the State board will schedule 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 WNUESD's voters living in Westminster 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. Persons Representing the Interests of Westminster 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.

As you will see in the correspondence from the Agency of Education's General Counsel to the attorney for the Town of Westminster, the Agency has advised the State Board that the Westminster Selectboard has no legal authority: (i) to act on behalf of the WNUESD voters who reside in Westminster or the dormant town school district or (ii) to appoint "an interim five-person board" for the town school district.

As is also explained in that correspondence, 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, we recommend that one or more (but not more than three) of the Westminster residents who have led the withdrawal activity to assume the primary role of representing the interests of Westminster residents in proceedings before the State Board. Please provide us with the names of these residents and their contact information at your earliest convenience.

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

In order to approve the request of the voters residing in Westminster to withdraw from the WNUESD, Vermont law requires the State Board to determine that the students living in Westminster "will attend a school that is in compliance with the rules adopted by the State Board pertaining to educational programs." 16 V.S.A. § 721a(c).

To make this determination, the State Board requires that a person with knowledge of the following provide written evidence to the Board that, after withdrawal, the elementary and middle school students in Westminster 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 WNUESD operated a school in Westminster during the 2019-2020 and 2020-2021 school years.

2. The number of WNUESD students in each grade, kindergarten-grade 8, who resided in Westminster in the 2019-2020 school year and who currently reside in Westminster.
3. Whether it is anticipated that, when the Westminster School District is reconstituted, it will continue to provide prekindergarten-grade 8 education by operating a school that offers kindergarten-grade 6 and paying tuition for prekindergarten and grades 7-8.
4. If it is anticipated that the Westminster School District will seek voter approval to begin operating grades or paying tuition for grades that differ from the current pattern, then:
 - a. The grade(s) for which the Westminster School District is likely to change the current 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.
5. (a) The names of all public and independent schools offering kindergarten-grade 8, or some subset of those grades, that are located within a “reasonable” driving distance from students living in Westminster, and (b) for each identified school, whether the school has confirmed that it would have adequate capacity to enroll Westminster students on a tuition basis in each grade that the potential receiving school operates.

We require that 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 15 April, the Board will postpone consideration of this matter until its next regular meeting, 19 May.

D. Representatives' Role at the State Board Meetings

For the reasons explained in Item B above, we require that one or more of the Westminster residents who have led the withdrawal activity speak briefly on behalf of withdrawal at the State Board's April 21 meeting and to answer the Board's questions.

The State Board will also provide an opportunity for any other Westminster resident to testify if that person wishes to share information that will assist the State Board to determine whether, post-withdrawal, Westminster 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 Westminster's withdrawal from the WNUESD, then 16 V.S.A. § 721a(c) 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 member have been paid to, or an agreement made with, the union school district in an amount satisfactory to the electorate of each member of the union school district.

In addition, a reconstituted Westminster 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 member” of 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 either situation.

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 WNUESD/Westminster 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 WNUESD that are then confirmed to be “satisfactory to the electorate of each member of the union school district” per § 721a(c); and
- b. Preparing and warning a proposed town school district budget for approval by the voters of the town school district.

F. The Remaining Members of the WNUESD

If the State Board approves the withdrawal of Westminster, then the Board is statutorily required to determine “whether it is in the best interests of the State, the students, and the members remaining in the district for the [WNUESD] to continue to exist” after Westminster’s withdrawal, or whether the State Board should declare the remaining members of the union school district to be reconstituted as individual town school districts. 16 V.S.A. § 721a(c).

The State Board requests that the person(s) having legal authority to speak on behalf of the WNUESD’s voters living in Athens and Grafton provide to the Board a written response to the question of whether the State Board should affirm or dissolve a two-member union school district. That written response must be submitted to the same three addresses listed in Item C above no later than Thursday, April 15 at noon.

By copy of this email, we provide notice of this issue to the remaining members of the WNEUSD and we offer representatives of those remaining members the opportunity to be present electronically at the State Board meeting on April 21 to answer any questions the Board may have pursuant to 16 V.S.A. § 721a(c).

We will e-mail you with the precise time approximately one week before the meeting, and we will send instructions for entering the meeting.

kind regards,

JC

John Carroll

Chair, Vermont State Board of Education

On Apr 1, 2021, at 11:30 AM, Jack Bryar <jack.bryar@wnesu.com> wrote:

Vermont State Board of Education

John Carroll, Chair

Greetings from Grafton, Vermont!

John, as you know, the Westminster community overwhelmingly voted to withdraw from the Windham Northeast Union Elementary School District [WNUESD] this past January. On Town Meeting Day, the voters in Grafton and Athens voted by similarly overwhelming margins to approve this withdrawal, and we anticipate formal certification of those results almost immediately.

Given that such a withdrawal is provided for both in state law and in the provisions of the Articles of Agreement under which the district has operated, the Board of the WNUESD has directed me to advise you that I shall be notifying the Agency of Education of our intent to go before the SBE and that we shall be seeking a hearing and an affirmative decision by that body at your earliest convenience.

We look forward to your guidance as to process and timelines, and your advice as to what materials you may reasonably seek from us as we prepare for such a hearing.

My thanks, and all the best,

Jack

John V. Bryar

Representing Grafton on the boards of the BFUHS and the combined Athens/Grafton/Westminster, Vermont school systems. Chair of the WNUESD.

PO Box 126, Grafton, VT 05146

Tel: 802-843-2735

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Thank you!



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Athens Grafton Rockingham Westminster

Dear Mr. Carroll and members of the SBE:

Thank you for your guidance letter of April 8.

I would like to address several items you have identified in your letter roughly in the order that you have identified them as items for action. Please note that we are submitting this note in advance of your 4/15 deadline so as to be sure that we have addressed your concerns satisfactorily. If not we will do our best to cover any gaps by noon, Thursday.

To begin with, Mr. David Major, Westminster Town Moderator and former Westminster Town School Board Chair (copied in this correspondence for contact), will be making the presentation for consideration of Westminster's request to withdraw from the WNUESD."

With regards to our response to items C, and D

- Per C1 and C2, the Westminster Elementary School (also known as the Westminster Community School, or WCS) is the building in that community serving the educational needs of the young people in that town from Kindergarten through Grade 6. In addition, there is a pre-K program administered by the Windham Northeast Supervisory union (Our SU) for Westminster students housed at WCS. Because of the logistics issues that building serves Westminster Children almost exclusively.
- The Superintendent of the Windham Northeast Supervisory Union is preparing a document to detail the numbers of students from each grade and this should be coming to you in a separate document.
- Per C3, and C4, I have heard of no plan or suggestion from any member of the Westminster community that would envision changing the Westminster school configuration from its current K-6 in-person instruction at the WCS or the current practice of tuitioning its 7-8 students. As there is no Westminster School Board to make any changes in this current educational plan, there is no one who can speak in any official capacity about the future. However, neither I, nor members of the Westminster Advisory Committee, nor members of the Westminster select board, nor any of our current or past Westminster Board members have ever suggested any changes to the current configuration are being contemplated. You are encouraged to validate this point with the members of the Westminster Community who will testify.



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- Per C5, I will defer to Mr. Pratt if he wishes to list all the private and public schools to which Westminster's 7th and 8th grade school children are currently attending. I can say that in the past this list has included the Bellows Falls Middle School in Rockingham, VT, The Compass School in Westminster, with some attending Putney Central and The Grammar School in Putney Vermont. All these schools have accepted Westminster middle school students in the past, many have had the same kind of attendance declines that other schools in Vermont have had and there is absolutely no reason to anticipate these rates of acceptance will change or that students will be disadvantaged by a change in status from part of the WNUESD to its own district. If you wish written letters by these various schools confirming this fact, we can make an effort to ask them, but candidly, we have no power to compel them to respond by your deadline. Please advise.
- Per D, I am sure that you will get passionate affirmation from community representatives that the Westminster Community School is "in compliance with" State Board rules and that the school is a quality institution that will not be materially harmed by its separation from the WNUESD. Independent ratings are with the SBE's time. According to independent evaluators such as , [Niche.com](https://www.niche.com/k12/westminster-schools-westminster-vt/), "Westminster Schools is an above average, public school located in Westminster, VT." <https://www.niche.com/k12/westminster-schools-westminster-vt/>

In a separate letter we will address your item F, namely the issue of "whether it is in the best interests of the State, the students, and the members remaining in the district for the [WNUESD] to continue to exist" after Westminster's withdrawal.

We will argue that it is, and that there is no educational reason or community interest in separating the towns or breaking up the remaining WNUESD.

Best regards,

Jack Bryar

Member for Grafton, former chair of the Athens Grafton Joint school board, current chair, WNUESD



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Athens Grafton Rockingham Westminster

April 14, 2021

Mr. John Carroll, Chair
State Board of Education
1 National Life Drive, Davis 5
Montpelier, Vermont 05620

Sent via electronic mail to john.carroll@vermont.gov

Copies to Maureen.Gaidys@vermont.gov; Suzanne.Sprague@vermont.gov

Dear Chairman Carroll and members of the Board:

Please find attached responses to questions posed in Section C of your recent letter to Mr. Jack Bryar, Chair of the Windham Northeast Union Elementary School District (WNUESD). We understand this information is needed in order to consider a request by the voters of Westminster to withdraw from the WNUESD. We further understand that initial consideration of this request will occur at a meeting of the State Board of Education on April 21.

I would like to add that if this withdrawal is approved, Westminster elementary students will continue to receive educational services within the same educational setting and from the same highly skilled educators who presently serve Westminster children. Pre-K through grade 6 students will continue to attend Westminster Center School. Grades 7 and 8 will continue to be offered school choice. Grades 9 – 12 will attend Bellows Falls Union High School. These schools are all part of the Windham Northeast Supervisory Union for which I serve as Superintendent, and all are in compliance with rules and regulations adopted by the Board pertaining to educational programs.

I plan to be in attendance on April 21 should you or members of the Board have additional questions.

Sincerely,

Christopher Pratt
Superintendent of Schools



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Athens Grafton Rockingham Westminster

1. The grades for which the WNUESD operated a school in Westminster during the 2019-2020 and 2020-2021 school years.

K-6

2. The number of WNUESD students in each grade, kindergarten-grade 8, who resided in Westminster in the 2019-2020 school year and who currently reside in Westminster.

| | | | |
|----|----|----|----|
| K- | 16 | 5- | 28 |
| 1- | 15 | 6- | 16 |
| 2- | 14 | 7- | 37 |
| 3- | 19 | 8- | 26 |
| 4- | 25 | | |

3. Whether it is anticipated that, when the Westminster School District is reconstituted, it will continue to provide prekindergarten-grade 8 education by operating a school that offers kindergarten-grade 6 and paying tuition for prekindergarten and grades 7-8.

We do not anticipate a change in the grade levels or tuition.

4. If it is anticipated that the Westminster School District will seek voter approval to begin operating grades or paying tuition for grades that differ from the current pattern, then:

- a. The grade(s) for which the Westminster School District is likely to change the current pattern of operating and tuitioning.

No anticipated change in the current 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.

No anticipated change.

5. (a) The names of all public and independent schools offering kindergarten-grade 8, or some subset of those grades, that are located within a "reasonable" driving distance from students living in Westminster, and (b) for each identified school, whether the school has confirmed that it



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would have adequate capacity to enroll Westminster students on a tuition basis in each grade that the potential receiving school operates.

We do not provide a tuition voucher for K-6th grade students. We do not have a formal confirmation, but our students have been historically accepted to the following schools:

Compass - No confirmation

Central Elementary School, Bellows Falls – some, not all grades K- 4

Saxtons River Elementary School, Saxtons River – some, not all grades K- 4

Bellows Fall Middle School – grades 5 – 8

Hilltop Montessori - No confirmation

Putney Grammar - No confirmation

Putney Central - No confirmation

Respectfully,

Christopher Pratt
Superintendent of Schools



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Athens Grafton Rockingham Westminster

Dear Mr. Carroll and members of the SBE:

Thank you for your guidance letter of April 8. Please consider this our official response to your request for information regarding item F in that letter.

In your letter you state:

"The State Board requests that the person(s) having legal authority to speak on behalf of the WNUESD's voters living in Athens and Grafton provide to the Board a written response to the question of whether the State Board should affirm or dissolve a two-member union school district. "

We struggled to understand the meaning of the phrase "legal authority to speak on this matter." by the two towns. We were unsure by whom this would be granted. In order to ensure that we have properly complied to this request, this letter is jointly signed by the following individuals:

- John V. "Jack" Bryar who is a Grafton resident, is the Chair of The WNUESD, and who has been elected at large by the Grafton and Athens community. Each year he has prepared and distributed to the electorate of his district a report of the conditions and needs of the district school system, per 16 V.S.A. § 563, he has also led the school operation of the annual pretown meeting segments in Grafton and Athens for many years. He was also asked to speak before the SBE in the matter of the original consolidation proposal before the SBE.
- Hardy Merrill, who is a Grafton resident and a well-known expert in financial matters who has advised the town of Grafton for years. In his position as Chair of the Grafton Educational Advisory Commission of the Grafton Select Board, he was authorized to prepare materials used by the citizens of Grafton in the recent referendum to determine whether it was in the best interest of Grafton to allow Westminster to separate from the rest of the WNUESD.
- Donald Capponcelli, who is a resident of Athens and a former BFUHS Board representative for Athens, and known for his facilities expertise. He acted as Chair of the Athens Educational Advisory Commission and prepared materials used by the citizens of Athens in the recent referendum on whether to allow Westminster to separate from the rest of the WNUESD.
- Jessica Westclark, who is a Grafton resident and a member of the WNUESD School Board who has been elected at large by the Grafton and Athens community. Ms. Westclark has also served as a WNUESD representative on the Board of the Windham Northeast Supervisory Union.
- Lynn Morgan, who is an Athens resident, Clerk of the WNUESD and a member of the WNUESD School Board who has been elected at large by the Grafton and Athens community. Ms. Morgan has also served as a WNUESD representative on the Board of the Windham Northeast Supervisory Union.
- Virginia Maciejowski, who is an Athens resident, and a member of the WNUESD School Board



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It is our position that all those named above have standing to speak on educational matters for their communities— a standing granted by the voters of the district and the elected bodies of their individual communities. Further, the members of the WNUESD Board listed above constitute a majority of that body and this letter should serve as an official granting of authority to the Grafton and Athens individuals named above to speak on behalf of their communities. If you wish further confirmation by votes of the Grafton and Athens select boards, please let us know, so that we can provide you these items in time for your meeting.

At present, we anticipate that Mr. Bryar will act as principal spokesperson for Athens and Grafton, and he will be available for all meetings by the SBE and will prepare to answer any questions. At the time of the meeting he may ask at least two other members of those mentioned above, at least one of which will be from Athens, to accompany him at the electronic meeting, and speak, unless there is an objection. He also may request to ask advice from legal counsel in the unlikely event this is necessary.

Let us know if that is acceptable.

To the question in item F:

The towns of Athens and Grafton wish to be clear that we are not asking the SBE to dissolve the WNUESD and feel strongly that such a move would be add unnecessary uncertainty and be adverse to the interests of our communities for the following reasons:

- Members of the WNUESD are not petitioning for a dissolution.

At this time there has been no petition to separate the two communities back into individual town districts. There has been no motion by any official or unofficial body in either Grafton or Athens to consider the separation of either town from the other or to dissolve the present district. All that is being sought is the right to act on the stated provisions of the Interim Articles approved by the SBE, namely the right of the WNUESD to add members or to allow a member town to withdraw. While it is theoretically possible that, in the distant future, the member towns may come before the SBE looking to reconfigure their district or even seeking its dissolution there is absolutely no movement in our communities to do so at this time. There seems little point in granting something not being sought.

- There has been no vote by either Athens or Grafton to consider dissolution or withdrawal, and none is contemplated.

In the informational meetings leading up to the confirmation votes the discussion emphasized that the vote was not to dissolve the district but simply to let a member pursue their right to withdraw if permitted by the other towns. By comparison, there has been an active campaign by Westminster residents to consider withdrawal for some time, and supportive votes by that community's select board, and a successful vote to support withdrawal. It is for that reason that the parties have come to the SBE. There is no equivalent activity in the Athens and Grafton communities.



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Athens Grafton Rockingham Westminster

After reading the note from Mr. Carroll and the SBE regarding the possibility of separating Athens and Grafton into separate districts, Athens's Don Caponcelli stated his objection to the idea in a recent note to our school board:

"For my part I don't understand why dissolution is even a subject for discussion at this point. That aspect has not been pursued by any of the union district towns. [That, following Westminster's withdrawal] the WNUESD would default into the 2-town union school district ... had been a path that Athens and Grafton had anticipated from the beginning."

- A combined Athens and Grafton district operates well.

Even prior to the SBE's consolidation order, Athens and Grafton were operating under a joint contract arrangement that effectively operated as a single district. Meetings were held in common and were led by a joint contract chair. The facilities operated by Athens and Grafton taught Athens and Grafton students together. With the exception of the two towns being separate tax entities, and their need to support certain accounting and other legal requirements because of their separate legal status, Athens and Grafton have effectively operated as a single entity for many years. At the time that the communities of Athens Grafton and Westminster met before the state Board of education, the members from Athens and Grafton who presented before the SBE were at pains to emphasize that the two communities were in talks to formally merge voluntarily and simply wished to pursue the matter at their own pace. It had been our position at the time that adding Westminster, a town with no common roads connecting it to "Ath/Graf" and a town whose population center was 40 minutes away from Ath/Graf would simply complicate a voluntary consolidation process that was already under way. And so it did.

- Separating Athens and Grafton would introduce unwanted uncertainty to our institutions and destabilize local tax rates.

As part of the study leading up to the decision by voters to approve the withdrawal by Westminster, the towns of Grafton and Athens appointed advisory commissions to examine the educational and fiscal consequences of such a withdrawal. This effort, led in large part by Hardy Merrill, engaged in an in-depth examination of the impact of Westminster's withdrawal on the remaining district. Their conclusions were as follows.

- The Westminster and Ath/Graf schools are nearly 40 minutes apart which makes it nearly impossible for them to share [teaching or administrative] staff or move students from one location to another.
- No Savings have been identified since the merger except the elimination of the need to have a separate audit for the Grafton and Athens School budgets.
- Consolidation at the Supervisory Union had already taken over, prior to the merger, the following functions: Bus Services, Special Education, Food Service, Payroll & Accounting; and negotiated savings related to ordering Bulk Supplies. This alternative approach was already generating the bulk of the savings anticipated by any merger at the district level.
- If Westminster were not included in the WNUESD the separation would have an INSIGNIFICANT impact on Grafton's or Athens's Homestead Education tax rate before adjustment for the town's CLA. The



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Creating an Inclusive Community through Personalized Student Engagement.

Athens Grafton Rockingham Westminster

Athens/Grafton equalized pupil count accounted for 25.3% of the equalized pupil count and 35.45 of the budget, and so a Westminster withdrawal would not destabilize tax rates for the remaining district.

- The only negative fiscal consequence would be that a larger district might provide more tax stability and that should be compared to the benefits of more localized control in a district that would be more logically constructed.

By comparison NO such study has been done to determine the economic impact of fragmenting an Athens Grafton district into even smaller town districts. Absent such an analysis the consequences of such fragmentation cannot be forecast with any certainty, and we hold that it would be irresponsible to dissolve the remaining district without further study.

Again quoting Mr. Capponcelli,

"We simply don't know the consequences of such an action and during any public discussion of the matter I would vigorously argue in opposition to returning to separate districts under a joint school contract [without knowing]."

Our recommendation to the SBE regarding dissolution is that since no such remedy is being sought, that the idea of dissolution be put aside until such time as a petition comes before a member town in the WNUESD, with research being provided to voters, and that voters be given a chance to provide us guidance on such a proposal.

For the foregoing reasons, we respectfully request that the State Board of Education find that it is in the best interests of the State, the students, and the Towns of Athens and Grafton, for the WNUESD to continue to exist after Westminster's withdrawal

Sincerely,

Jack Bryar - Grafton

Jessa Westclark - Grafton

Lynn Morgan - Athens

Hardy Merrill - Grafton

Donald Capponcelli - Athens

Virginia Maciejowski - Athens

**David Major Presentation to Vermont State Board of Education
In Support of Westminster's Request to Withdraw from WNUESD
April 21, 2021**

Chairman Carroll and members of the Vermont State Board of Education:

My name is David Major. I have been asked to serve as the spokesperson for the town of Westminster's request to withdraw from the Windham Northeast Union Elementary School District (WNUESD). I am a life-long resident of Westminster, and served for many years as a member, and chair, of the Westminster town school board. I resigned from that role when Westminster was merged with Athens and Grafton in 2018 and have not served on the school board since that time. I have, however, served as one of the Town of Westminster's advisors to the Union school board, appointed by Westminster's electors at town meeting. I currently serve as the town moderator for the town of Westminster, recently elected to that role. I should note that I am giving this presentation as a volunteer, and that I have no particular elected or appointed authority to make this presentation. I do wish to thank all the school officials who helped gather the information to follow, as well as the information in the accompanying letters.

As you know, voters in the towns of Athens, Grafton and Westminster have consistently and overwhelmingly voted against merger. Most recently, in January of 2021, Westminster's electorate voted to withdraw from the Windham Northeast Union Elementary School District. In March, electors in Athens and Grafton voted to approve Westminster's request to withdraw. That brings us to our presentation today.

In the period since the merger which created the WNUESD, the appointed and elected members of that school board have worked to serve *all* of the students in the union district, regardless of their town of residence. They have worked in good faith to find the efficiencies and other benefits that were intended. With all of their good willed collaboration, and deep commitment to the guiding principles intended by Act 46, those efficiencies, including cost savings, have not been found.

Importantly, there is no evidence that the children who are served by the union school district have suffered in terms of the quality of their education as a result of the merger. Equally so, there is no evidence that the merger enhanced the quality of education and related services to the children in our schools. Further, there is no evidence that Westminster's withdrawal from the union school district will harm students in any of the three towns. I will provide detail to support that statement, which leads to the basic test you will be considering: That is, 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."

Supervisory Union. Westminster is part of the Windham Northeast Supervisory Union (WNEU). The town is currently represented in the WNEU by the union school board, and anticipates returning to its representation via a Westminster town school board once again. For more than 50 years, the towns in the WNEU have cooperatively run the Bellows Falls Union High School. The WNEU is made up of the towns of Rockingham, which includes the villages of Bellows Falls and Saxtons River; Westminster, Grafton and Athens. Westminster is the second largest town in the Supervisory Union with approximately 3500 residents and more than 2500 registered voters. Ours is a cohesive supervisory

union with strong leadership, dedicated teachers and staff. Westminster welcomes its renewed and continued active involvement with all of the school boards in our supervisory union.

SU Led Professional Development. All professional development for educators in our towns, including Westminster, is coordinated through the WNESU. We also have a coordinated, comprehensive Continuous Improvement Plan, helping to enhance the overall equity and quality of education provided to students throughout the SU, and therefore helping to achieve the goals of Act 46 in terms of educational quality, equity and opportunity.

SU Wide Coordinated Services. Special Education, Transportation, and Food Services are all coordinated through the supervisory union as well. Our supervisory-union-wide food services program was created in Westminster several years ago, and then adopted more recently throughout the supervisory union in order to increase efficiencies while substantially improving the quality of the food provided our children and families, with a heavy emphasis on locally grown fresh foods and produce. It is a cost-effective and highly successful program, considered a model, even during the COVID-19 pandemic, where, with the help of federal funds which were successfully obtained, an average of 23,000 student meals per month were providing during the period from April 2020 to April 2021, totalling 276,586 breakfasts and lunches to children and youth 18 years of age and younger.

Grants. The WNESU is reported to be the third highest recipient of federal grant funds in the state of Vermont from the CARES and ESSER (Elementary and Secondary School Emergency Relief) funds. Separately, Westminster has been among those most successful in obtaining grant funds to create and support pre-school and after school programs, gardening, literacy and other enrichment programs and also serves as the site for serving children with intensive needs throughout the supervisory union.

Standardized Test Scores. Students throughout the SU tend to score at or above grade level in standardized tests, and Westminster scores as well as or better than the other elementary schools in our SU. According to the Vermont Agency of Education Annual School Snapshot data, results of the VT Smarter Balanced Assessment Consortium show that in 2019 (there was no SBAC given in 2020 due to COVID restrictions) Westminster Center School meets expected current performance and excelled in performance growth in Academic Proficiency.

Parental Involvement and Community Engagement. Westminster voters consistently vote to approve school budgets. Though parental and community involvement in school activities has diminished somewhat during the past two years under the union school district, we anticipate increasing that active involvement once again. One manifestation of increased involvement will be with the fact that a discussion and vote on school matters and the school budget will be returned to the town's annual meeting, rather than in a special and stand-alone meeting of the voters of the three towns. Historically, school issues bring out the voters. Fund-raising activities and volunteers in the school will be increased and coordinated more easily once again on a local basis.

School Leadership and Retention of Staff. Westminster's elementary school principal is an experienced educator, now in her second year as Westminster's principal. A recent 360 assessment found her with outstanding evaluations. The faculty and staff at the Westminster school have been stable for years, with a healthy mix of long-time and younger teachers.

In sum, we believe you can be assured with confidence that a Westminster town school board and its school will meet or exceed the requirements for compliance with the rules adopted by the state board of education.

I will be happy to respond to questions, either myself or by calling on the SU, WNUESD or other Westminster residents in attendance.

*Submitted by David Major, Vermont Shepherd, 281 Patch Farm Road, Westminster West, VT 05346
802-387-4473; vermontshepherd@gmail.com*

Westminster/WNUESD

Motion Approved by the State Board of Education – 21 April 2021

The State Board of Education:

1. **FINDS** that if it reconstitutes the Westminster School District for prekindergarten through grade 8 effective on July 1, 2022, the students living in Westminster “will attend a school that is in compliance with the rules adopted by the State Board pertaining to educational programs” in the 2022-2023 academic year;
2. **APPROVES** the request of the Westminster voters to withdraw from the Windham Northeast Union Elementary School District pursuant to 16 V.S.A. § 721a(c),
3. **DECLARES** that the withdrawal of Westminster from the Windham Northeast Union Elementary School District shall be effective as of **July 1, 2022**; and
4. **DECLARES**:
 - a) That the Westminster School District is reconstituted as a prekindergarten through grade 8 school district;
 - b) That the Westminster School District shall assume sole responsibility for the education of its resident students in prekindergarten through grade 8 on **July 1, 2022**; and
 - c) Between **April 21, 2021** and **July 1, 2022**, the Westminster School District shall exist solely for the purpose of meeting each of the conditions outlined below and transitioning to full operations.

PROVIDED, however, that the approval, the declarations, and the effective dates of July 1, 2022 in this motion are **CONDITIONED** on completion of each of the following on or before **September 8, 2021** in a manner satisfactory to the State Board:

- i. **Election of School Board Members.** The Secretary of State calls a special election at which the Westminster School District voters elect school board members pursuant to 16 V.S.A. § 424(c).
- ii. **Negotiation of Financial Agreement.** The Westminster School Board and the Windham Northeast Union Elementary School Board negotiate and finalize the proposed financial details of withdrawal pursuant to 16 V.S.A. § 721a(c), which proposal is presented to the voters residing in each of the three towns of the Windham Northeast Union Elementary School District for approval.
- iii. **Approval of Financial Agreement.** The voters residing in each of the three towns within the Windham Northeast Union Elementary School District vote to approve the negotiated financial arrangements pursuant to 16 V.S.A. § 721a(c).
- iv. **Written Report to State Board of Education.** The Westminster School Board notifies the State Board in writing no later than **September 8, 2021** of the results of the activity in subdivisions (ii) and (iii) above.
- v. **Attendance at State Board of Education Meeting.** Members or representatives of the Westminster School Board and the Windham Northeast Union Elementary School Board appear before the State Board at its regularly-scheduled meeting on **September 15, 2021** to answer questions regarding the activity in subdivisions (ii) and (iii) above, recognizing that the results of the subdivision (iii) vote may not be final.

Westminster/Windham Northeast UESD/Windham Northeast SU

Motion Approved by the State Board of Education – 15 September 2021

1. Final Approval of Westminster's Withdrawal

The State Board of Education:

1. **FINDS** that the conditions outlined in its Motion Conditionally Approving Withdrawal and Reconstitution of the Westminster School District, issued on April 21, 2021, have been met; and
2. Pursuant to 16 V.S.A. § 721a(c):
 - a. **APPROVES** the request of the Westminster voters to withdraw from the Windham Northeast Union Elementary School District;
 - b. **DECLARES** that the withdrawal of Westminster from the Windham Northeast Union Elementary School District shall be effective as of **July 1, 2022**; and
 - c. **DECLARES**:
 - i. That the Westminster School District is reconstituted as a prekindergarten through grade 8 school district;
 - ii. That the Westminster School District shall assume sole responsibility for the education of its resident students in prekindergarten through grade 8 on **July 1, 2022**; and
 - iii. That between **September 15, 2021** and **July 1, 2022**, the Westminster School District and its duly elected board shall exist solely for the purpose of performing all duties necessary for transitioning to full operations on July 1, 2022, including preparation and presentation to the voters of a proposed fiscal year 2023 budget and planning for staffing needs for the 2022-2023 academic year.

2. Assignment of Westminster to the Windham Northeast SU

The State Board of Education:

1. **ADJUSTS** the boundaries of the current Windham Northeast Supervisory Union (WNSU) to include the Westminster School District pursuant to 16 V.S.A. § 261(a);
2. **ESTABLISHES July 1, 2022** as the day on which the enlarged SVSU shall be fully operational; and
3. **AUTHORIZES** the board of the Westminster School District to appoint three of its members to the WNSU board on or after **September 15, 2021** pursuant to 16 V.S.A. § 166; provided, however:
 - a. That between **September 15, 2021** and **July 1, 2022**, the three appointed members shall have the authority to vote solely on matters that, as determined by the WNSU chair, affect budgets and budget planning for fiscal year 2023 and after; and
 - b. Members appointed by the Westminster School District shall have full voting rights on and after **July 1, 2022**.