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April 21, 2022

Senator Brian Campion, Chair  
Senator Cheryl Hooker, Vice-Chair  
Senator Andrew Perchlik, Clerk  
Senator Ginny Lyons  
Senator Thomas Chittenden  
Senator Joshua Terenzini

Subject: H.727 withdrawal proposal

Good afternoon, Senators.

There are a number of misunderstandings or errors reflected in testimony provided to the Committee on April 19, 2022 that I would like to speak to you about, on behalf of myself personally, and as a member of the Starksboro Save Our Schools Committee.

The following is a partial list of matters that need clarification or correction, in my opinion, and in no particular order:

1. Towns are withdrawing because they want more local control. In fact, the towns of Ripton, Lincoln, and now Starksboro are pursuing withdrawal only as a last resort to prevent the closure of their elementary school. To underscore the point, Starksboro's withdrawal warning includes an article terminating the withdrawal process if the survival of our school can be assured.
2. Withdrawal will have significant negative financial impacts on withdrawing towns. Financial analysis conducted by towns, and financial analysis conducted by school districts, show no tax impact or negligible tax impact. No one has offered credible financial analysis concerning any negative impact on the state Education Fund.
3. Withdrawing towns should be designated as their own supervisory district, thereby endangering the provision of supervisory services to students. The manner in which the State Board has construed Section 261(a) and (c) has been a big reason for the problem facing the Committee. Under section 261(a), the State Board is obligated to review and regroup supervisory unions and districts:  
"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 may also designate a school district as its own supervisory district, but only if the district so designated:

“will provide for the education of all resident students in prekindergarten through grade 12 and is large enough to support the planning and administrative functions of a supervisory union.” 16 V.S.A. section 261(c).

Instead of fulfilling its obligation under subsection 261(a) and ensuring that Ripton students will receive supervisory services, the State Board designated Ripton as its own supervisory district, even though the designation conflicts with subsection 261(c).

The result is that supervisory districts feel emboldened to refuse supervisory services to the students of a withdrawing town.

4. The House's H.727 withdrawal section is consistent with the policies enacted in Act 46. This reading of Act 46 ignores the fact that Act 46 made clear “[i]t is not the State’s intent to close its small schools”. Act 46, Sec. 1(i), 2015.
5. Any moratorium on school closures should also include a moratorium on withdrawals. In the case of Starksboro, a vote to merge with a neighboring district is planned for November, 2022. Because the Merger Study Committee has decided to reject existing Articles of Agreement which promise towns a vote before their schools are closed, a merger will allow the new school district to close schools on its own. If a moratorium on withdrawals is enacted, the inability to withdraw from our district before a merger vote in November will abrogate our town’s existing right to vote before its school is closed.
6. Starksboro's proposed withdrawal vote on May 10th is different from Lincoln’s withdrawal vote such that Starksboro’s vote can be nullified by H.727. I make no claim to special expertise on voting rights laws; however it is hard to discern a legitimate reason for legislation to say that one town will be exempted from the new withdrawal provisions of H.727 because it has started the withdrawal process by voting to withdraw and the remaining towns have ratified the vote, while another town will not be exempted even though it has also started the withdrawal process by voting to withdraw, but a ratification vote has not occurred. A reasonable legal inquiry should be made concerning the validity of making such a distinction with momentous consequences.

I am happy to speak to the Committee at your convenience.

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