

VERMONT SUPERIOR COURT, CIVIL DIVISION, BENNINGTON UNIT

Steve Perrin v. Windham Southeast Supervisory Union et al.

Perrin v. Windham Southeast Supervisory Union · No. 23-CV-01167 · Decided December 9, 2025

SUMMARY

The Vermont Superior Court, Bennington Unit, reviewed Steve Perrin’s Rule 74 appeal from the Windham Southeast School District Board’s decision terminating him as principal of Brattleboro Union High School. The court held that the Board’s findings were supported by the record, that Perrin had fair notice and sufficient procedural due process, and that the Board’s decision should be affirmed. The court denied the Rule 74 appeal and granted defendants’ motion for summary judgment.

CASE DETAILS

COURT	Vermont Superior Court, Civil Division, Bennington Unit
WRITING FOR THE COURT	David Barra
JURISDICTION	Vermont Superior Court, Civil Division, Bennington Unit
DECIDED	December 9, 2025
DOCKET	23-CV-01167
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought review under Vermont Rule of Civil Procedure 74 of a school board’s decision dismissing him as a high-school principal and asserted claims for breach of contract, due process violations, intentional infliction of emotional distress, and defamation. Defendants moved for summary judgment. The court denied the Rule 74 appeal and granted summary judgment on the remaining claims addressed in the order.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. On a Rule 74 appeal from an on-the-record school-board decision, the court upholds factual findings unless clearly erroneous and legal conclusions when reasonably supported by the findings; review of matters outside the agency’s expertise, including due-process violations and other questions of law, is plenary. The court does not reweigh conflicting testimony or second-guess credibility determinations.

PRECEDENTIAL VALUE	unpublished trial-court decision; nonprecedential
PARTIES	Steve Perrin v. Windham Southeast Supervisory Union, Windham Southeast School District Board, Kelly Young, Anne Beekman, Tim Maciel, Liz Adams, Lana Dever, Michelle Luetjen Green, Robin Morgan, Shaun Murphy, Emily Murphy Kaur, Deborah Stanford

TOPICS

judicial review of agency action

summary judgment

due process

employment law

appellate procedure

PRACTICE AREAS

employment law

administrative law

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether the school board's decision dismissing Perrin for just and sufficient cause should be reversed under Vermont Rule of Civil Procedure 74.
2. Whether the Rule 74 review required a jury trial or review beyond the administrative record.
3. Whether Perrin received constitutionally adequate pre-termination and post-termination procedural due process.
4. Whether Perrin preserved a challenge based on alleged bias or public pressure affecting the school board's decision.
5. Whether Perrin presented evidence sufficient to create a genuine dispute of material fact on his intentional-infliction-of-emotional-distress claim.
6. Whether Perrin presented evidence sufficient to create a genuine dispute of material fact on his defamation claim.
7. Whether defendants were entitled to summary judgment on Perrin's breach-of-contract claim.

HOLDINGS

1. The Rule 74 appeal was denied because the administrative record contained credible evidence supporting the board's findings that Perrin engaged in egregious misconduct, had fair notice that the conduct could result in discharge, and was dismissed for just and sufficient cause.
2. The court properly reviewed the appeal on the administrative record without a jury and would not reweigh conflicting testimony or second-guess the board's credibility determinations.
3. Perrin received constitutionally adequate procedural due process because he received notice of the charges, an explanation of the employer's evidence, an opportunity to respond before termination, and a full statutory post-termination evidentiary hearing with judicial review.
4. Perrin's bias challenge was not reviewable because he did not seek recusal before the administrative hearing and therefore failed to preserve the issue.

5. Summary judgment was proper on the IIED claim because Perrin offered no evidence that defendants engaged in conduct sufficiently extreme and outrageous or that he suffered the requisite severe emotional distress.
6. Summary judgment was proper on the defamation claim because Perrin identified no specific false published statement and the statement that he was dismissed for cause was true.

KEY QUOTATIONS

“A party is entitled to summary judgment if “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”” (at 2)

“The “ultimate criterion of just cause is whether the employer acted reasonably in discharging the employee because of misconduct.”” (at 3)

“The standard of review for a Rule 74 appeal in an on-the-record appeal does not involve reweighing conflicting testimony or the credibility of witnesses.” (at 7)

“An acceptable pre-termination procedure will consist of “oral or written notice of the charges,” an “explanation of the employer's evidence,” and an opportunity for the employee to present the employee's own side of the story.” (at 8)

“The sort of conduct contemplated by this cause of action is behavior so outrageous in character and so extreme in degree that it goes beyond all possible bounds of decency and tolerable conduct in a civilized community.” (at 11)

FACTUAL BACKGROUND

Steve Perrin served as principal of Brattleboro Union High School under a two-year employment contract. After complaints concerning Perrin's treatment of a former student and his direction to a school counselor not to make a mandatory report to the Department for Children and Families, the school board placed him on administrative leave, conducted an investigation, and notified him of the allegations and potential termination. Following a six-session evidentiary hearing with sworn testimony, cross-examination, exhibits, and representation by counsel, the board found three independent grounds supporting dismissal and affirmed the termination.

PROCEDURAL HISTORY

The Windham Southeast School District Board dismissed Perrin for just and sufficient cause after an evidentiary hearing and affirmed the dismissal on February 20, 2023. Perrin filed a Rule 74 appeal and a six-count complaint in the Vermont Superior Court; the wrongful-termination count had previously been dismissed. After discovery, defendants moved for summary judgment. The court reviewed the administrative record, denied the Rule 74 appeal, and granted summary judgment on the breach-of-contract, due-process, IIED, and defamation claims.

DISPOSITION

other

CASES CITED

- In re Estate of Fitzsimmons, 2013 VT 95, ¶ 13, 195 Vt. 94
- N. Sec. Ins. Co. v. Rossitto, 171 Vt. 580, 581, 762 A.2d 861, 863 (2000) (mem.)
- Rodriguez v. Fill. Green Realty, Inc., 788 F.3d 31, 39-40 (2d Cir. 2015)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Boulton v. CLD Consulting Eng'rs, 175 Vt. 413, 417, 427 (2003)
- Ross v. Times Mirror, Inc., 164 Vt. 13, 18 (1995)
- State v. G.S. Blodgett Co., 163 Vt. 175, 180 (1995)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-24 (1986)
- Ryan v. Vt. State Police, 667 F. Supp. 2d 378, 381 (D. Vt. 2009)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586 (1986)
- Poplaski v. Lamphere, 152 Vt. 251, 254-55 (1989)
- Washington v. Pierce, 2005 VT 125, ¶ 17, 179 Vt. 318
- West v. N. Branch Fire District #1, 2021 VT 44, ¶ 13
- In re Miller Subdivision Final Plan, 2008 VT 74, ¶ 8, 184 Vt. 188
- Burch-Clay v. Taylor, 2015 VT 110, ¶¶ 13-15, 45, 47, 200 Vt. 166
- In re Kwon, 2011 VT 26, ¶ 6
- Rodriguez v. Pallito, 2014 VT 18, ¶¶ 17, 20, 195 Vt. 612, 93 A.3d 102
- Sarvis v. Vt. State Colls., 172 Vt. 76, 80 (2001)
- In re Grievance of Randy Hurlburt, 2003 VT 2, ¶ 25, 175 Vt. 40
- Hallsmith, 2015 VT 83, ¶¶ 13-14, 199 Vt. 488
- Cleveland Board of Education v. Loudermill, 470 U.S. 532, 545-47 (1985)
- Luciani v. City of Philadelphia, 643 F. App'x 109, 113 (3d Cir. 2016)
- In re Amendment #1 to FY 2023 Accountable Care Organization Budget Order, 2024 VT 38, ¶ 19
- Casavant v. Allen, 2016 VT 89
- Follo v. Florindo, 2009 VT 11, ¶ 14, 185 Vt. 390
- Nelson v. Town of St. Johnsbury Selectboard, 2015 VT 5
- Sprague v. Nally, 2005 VT 85, ¶ 4 n.3, 178 Vt. 222
- Baptie v. Bruno, 2013 VT 117, ¶ 24
- Thayer v. Herdt, 155 Vt. 448, 455 (1990)
- Colby v. Umbrella, Inc., 2008 VT 20, ¶ 10
- Dulude v. Fletcher Allen Health Care, Inc., 174 Vt. 74 (2002)
- Davis v. American Legion, Department of Vermont, 198 Vt. 204 (2014)
- Smith v. Local 819 I.B.T. Pension Plan, 291 F.3d 236, 240 (2d Cir. 2002)
- Lent v. Huntton, 143 Vt. 539, 546-47, 470 A.2d 1162, 1168 (1983)

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