

State of Vermont House of Representatives

Montpelier, Vermont



Joint House Resolution

J.R.H. 4

Joint resolution reaffirming the General Assembly's commitment to equal educational opportunity on the 20th anniversary of the Vermont Supreme Court's decision in *Brigham v. State*

Offered by: Representative Deen of Westminster

Whereas, the Common Benefits Clause of the Vermont Constitution, Chapter I, Article 7, provides "that government is, or ought to be, instituted for the common benefit, protection, and security of the people," and

Whereas, the Education Clause of the Vermont Constitution, Chapter II, § 68, states that a "competent number of schools ought to be maintained in each town," and

Whereas, in the mid-1990s, three sets of plaintiffs filed suit in Lamoille Superior Court alleging that the State's existing Foundation public school funding formula denied students in the ~~towns~~ school districts of Hardwick and Whiting an equal educational opportunity, and

Whereas, the trial court granted summary judgment to the State, holding in part that Section 68 does not provide "any rights...to Vermont citizens," and

Whereas, undaunted, the plaintiffs appealed to the Vermont Supreme Court, and

Whereas, in the Vermont Supreme Court's historic decision, *Brigham v. State*, 166 Vt. 246, on February 5, 1997, the Court explained that "from its earliest days, Vermont has recognized the obligation to provide for the education of its youth," and

Whereas, the Court analyzed the Education Clause's historic development, prior pertinent judicial opinions, and the 1828 inaugural address of Governor Samuel Crafts, who, in speaking before the General Assembly, stated, it is "our paramount duty to place the means for obtaining instruction and information, equally within the reach of all," and

Whereas, the Court concluded that "the current [Foundation] educational financing system in Vermont violates the right to equal educational opportunities under Chapter II, § 68 and Chapter I, Article 7 of the Vermont Constitution," and directed the General Assembly to devise a new education funding formula implementing the principle of equal educational opportunity for all of Vermont's children, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly reaffirms its commitment to equal educational opportunity on the 20th anniversary of the Vermont Supreme Court's decision in *Brigham v. State*, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Governor Philip B. Scott.