

Good afternoon,

Thank you for this opportunity to speak. My name is Mary Niles, I am Chair of the Montgomery School District Board. My remarks today are mine alone and I am not speaking for others on my Board; although the majority of our Board did vote to join the lawsuit.

I am struck by the magnitude of this moment for my community. It's an odd deja vu to once again speak before a body tasked with making a hugely consequential decision which strikes at the heart of our community.

There is an interesting paternalism at play here, whereby those in positions of power are making decisions for our community; outsiders deciding what is best for us regardless of our self assessment and the wishes of the majority of our electorate. This inherently top down approach is part of what so many of us object to; the notion that somehow the directives of ACT 46 supersede the outcome of legally warned votes. Is it not compelling to you, some of whom were likely instrumental in crafting and passing Act 46, that so many communities are in utter turmoil over forced merger? There is too much dissent and confusion to meet the July 1, 2019 deadline.

As you prepare to weigh merits of delay, please consider the following:

- 1) First and foremost, the delay which will be most efficacious for us is a no-strings attached, clean delay until July 1, 2020. This allows the Court process to unfold; this is a complex case involving over 30 plaintiffs and while the preliminary injunction was not issued, the case must still have its merits heard by the Court. All signs point toward this ending at the Supreme Court. The delay will afford Districts the time to accept the Court's decision and work toward honoring it.
- 2) The delay spares organizational and consolidation efforts (most notably the sale/acquisition of school properties, commingling of assets/debts and the merging of budgets) which would then need to be untangled should the lawsuit prevail. Unpacking

merged boards, budgets, assets/debts would be far more onerous and cumbersome than a one year delay.

3) I've yet to receive a single directive as to the legal process by which our multi-million dollar building is "sold" to the newly merged district for one dollar. We have not had time to consult with council as to how exactly this will work and there is little clarity around who has the authority to authorize this "sale" in the first place. We need time to understand how to proceed with regard to property transfer; doing this under duress seems careless.

Bearing in mind the many unknowns surrounding forced mergers, we serve Montgomery's children best and honor the will of our electorate if we can delay merger until 2020. A sea of complexities exists with or without delay; such is the nature of education in the era of Act 46. Montgomery passed its FY 19/20 at our annual meeting on March 11th without one dissenting vote. There is no risk that a delay impacts our ability to run our school to the highest of standards, as we've been doing for years. So while Emily Simmons resorts to fear mongering in the AOE's continued push of the consolidation agenda, rest assured, the Montgomery School District is on solid footing doing what we do best: educating our children at a high performing, fiscally savvy school with a deeply invested and engaged Board, Administration, Teaching and Support staff and Community.

The prudent path would be one of thoughtfulness and caution, to err on the side of allowing more time to sort out legal and logistical complexities, not less. Please think deeply about the real, tangible benefits of the delay as they far outweigh any of the drawbacks. Please don't muddy the waters by establishing requirements in order to qualify for this respite. Why complicate this further with tying the delay to ratifying merged boards? Why hold Small Schools Grants hostage when our school relies on this funding; without it we have to make serious sacrifices and ultimately kids are most impacted. Why on earth does this process have to be so punitive? This is cruel politicking and immensely discouraging.

I understand the overarching trends which prompted the development, passage and implementation of ACT 46. The goals of providing quality, equitable education at a price

point palatable for taxpayers are laudable. The tactic of consolidation and forced merger is not.

We've maintained all along that our thriving school is not subject to many of the demographic and economic forces which precipitated ACT 46.

In Montgomery's case, our carefully crafted, well researched Section 9 proposal

(<https://education.vermont.gov/sites/aoe/files/documents/montgomery-school-district-section-9-proposal.pdf>)

elucidated the innumerable ways we are already meeting the mandates of Act 46. Our Section 9 was the distillation of a thoughtful, engaged, and introspective process and yet, despite two failed votes by Montgomery's electorate, the AOE and the SBE proceeded with a merger which we neither want nor need.

We have been crystal clear about the myriad ways in which geographical isolation is absolutely salient to this conversation. The AOE, SBE and, most recently the lawyers from the AG's office, continue to raise issues related to geographical isolation intended, it seems, to diminish the strength of our argument.

It is critical to remember there are many times of year, most notably winter and mud season, when the actual mileage and/or Google Maps drive times are completely irrelevant and are an inadequate metric for gauging geographical isolation. The extremity of our winters and mud season, the topography of our region and miles of rugged dirt roads on which a considerable portion of our population lives are the metrics which matter; which reflect the actual lived experiences of people in our town.

Furthermore, in the Secretary's plan, she writes: "Even if the Unified District consolidated all of its students into one building, a student living on the furthest border in Montgomery would not be traveling to the furthest border in another town" which is a tacit admission that school closure is a possibility and again belies the lived experience of our population with a singular focus on mileage. I can get down my road in 10 minutes in summer or

creep down for 20/25 minutes in snow and ice. If you've ever driven in Los Angeles, it can take an hour to travel 10 miles; context matters more than mileage.

Lastly, let's consider debt in the merged district:

Debt (annual bond payments), debt per equalized pupil (annual bond payment per equalized pupil)

Bakersfield: \$843,750 (\$56,250) \$4,161 (\$277)

Berkshire: \$2,860,000 (\$178,750) \$9,407 (\$588)

Montgomery: \$520,000 (\$65,000) \$2,769 (\$346)

Most recently at their Town Meeting, Sheldon voted (171 to 71) to approve a 1.7 million dollar bond for major, much needed renovations on their school building. It now becomes a shared burden between towns in the NMVU merged district to assume this debt. Forced merger puts us in the position of inheriting a building in poor repair or inheriting massive debt for a town far from us with which we have little connection. It takes me 45 minutes to drive to Sheldon when the weather is poor. Is this what the AOE means when it tasks us with caring for all Vermont's children? The reality of higher taxes due to commingled debt unwillingly thrust upon us strains the ability to look at this through an altruistic lens.

Let us not forget that Sec. 5(c)(4) of Act 46 expressly acknowledges that differing debt levels may be grounds for establishing the impracticability of merger. Our voters are vehemently opposed to this burdensome acquisition of commingled debt.

Compared to the tremendous stress and upheaval Act 46 has thrust upon our community, a one year clean delay seems a small ask. We have been on the ground for years now, responding endlessly to the requirements of the Act 46 process; volunteering massive amounts of our time. It's been difficult and stressful. It's only fair to allow the legal proceedings the time needed to reach the end zone; whatever that may look like. Only then, I think, will communities be able to more graciously and diplomatically reach out an olive branch to merger partners and move forward if the Court ruling is not in our favour.

ADDENDUM:

The following is my letter written to the SBE in September, 2018 following our public testimony in advance of their final decision:

The stated purpose of [Act 46](#) is “to encourage and support local decisions and actions that:

- (1) provide substantial equity in the quality and variety of educational opportunities statewide;
- (2) lead students to achieve or exceed the State’s Education Quality Standards, adopted as rules by the State Board of Education at the direction of the General Assembly;
- (3) maximize operational efficiencies through increased flexibility to manage, share, and transfer resources, with a goal of increasing the district-level ratio of students to full-time equivalent staff;
- (4) promote transparency and accountability; and
- (5) are delivered at a cost that parents, voters, and taxpayers value.”

At no point in this process did the AOE or the SBE clarify how we are NOT meeting the mandates listed above. With one of the lowest per pupil costs, highest student teacher ratios and test scores of any school around the state, despite our high poverty rate, merger will not substantially increase our educational opportunities and equity, improve efficiency, or lower costs and tax rates.

1) Montgomery Elementary School (MES) provides an exceptional education at a per pupil cost that is well below the State average. (FY 18 \$12,910 Montgomery v. \$15,368 VT average).

2) Our 2018 SBAC data continues to support our contention of excellence despite a high poverty rate (49.35%). **Please note:** Our 8th grade scores were lower than expected and this anomaly is due to a couple of students who had a particularly challenging time with testing this year (and, as we know, in a small class, the overall percentage is easily shifted by a handful of lower results). Additionally, we identified that the final project workload for the 8th graders stretched them thin during the weeks of testing. We have therefore shifted project due dates for the upcoming year so they will not coincide with SBAC testing.

	Literacy Percent Proficient	Math Percent Proficient
Grade 3	78%	78%
Grade 4	79%	79%
Grade 5	64%	64%
Grade 6	92%	69%
Grade 7	92%	92%
Grade 8	53%	60%

Please note: Comparison data for 2018 is not yet available. However, the Vermont proficiency stats for 2017 are as follows: ELA: 3rd grade, 49%; 4th grade, 49%; 5th grade, 55%; 6th grade, 52%; 7th grade, 55% and 8th grade, 55%. For MATH: 3rd grade, 52%; 4th grade, 47%; 5th grade 42%; 6th grade, 39%; 7th grade, 44%; 8th grade 41%. With an enrollment of 138 students and 9.8 teachers our student/teacher ratio is 14.08. MES has the highest student/teacher ratio of all 33 schools in its cohort (those K-8 schools with a student enrollment under 200). When compared to all 296 operating schools in the state, MES had a higher ratio than 241 of the schools.

4) We are actively addressing documented achievement gaps. For our students with disabilities we are prioritizing targeted interventions to better support their unique needs. With regard to our gender gap (female students outperforming male students in both ELA and Math) our focus will include a book study for staff regarding how boys learn, as well as professional development starting with a guest speaker from UNH in September 2018. This focus area has been submitted to the AOE through our Continuous Improvement Plan (CIP). More broadly, this speaks to our ability to be highly responsive to issues and needs as they arise. The same way we foster a growth mindset in our students, we will continue to meet these challenges in dynamic, thoughtful and engaged ways to best serve our students and their families.

5) MES (and our town in general) has not experienced the same level of decline as other parts of the State. Rather, our enrollment has steadily increased over the last two decades with an average 2% increase per year. Young families are drawn to our community because of our excellent school. Our school is the heart of our town.

6) We value our collaborative relationship with FNESU. We work together on teacher contracts, our Master Agreement, curriculum, teacher professional development, special education, policy and Educational Quality Standards (EQS). We are streamlining our accounting systems and centralizing the purchasing of products and services. We have aligned our transportation and food service. We share nursing, music and guidance personnel and are exploring potential opportunities to share staff in language immersion, literacy/math/behavioral intervention instructional coaches. Maintaining our single district status will not compromise or impede our ability to be a team player within our SU.

7) As of 7/1/2018 the unaudited debt numbers are as follows:

Debt (annual bond payments), debt per equalized pupil (annual bond payment per equalized pupil)

Bakersfield: \$843,750 (\$56,250) \$4,161 (\$277)

Berkshire: \$2,860,000 (\$178,750) \$9,407 (\$588)

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If merged, Montgomery will be forced to assume a significant increase in debt burden. And while the interim Secretary says throughout the plan that worries about debt differential should be assuaged by the fact that higher debt schools are the least likely to need costly repairs in the immediate future, let us not forget that Sec. 5(c)(4) of Act 46 expressly acknowledges that differing debt levels may be grounds for establishing the impracticability of merger. Our voters are vehemently opposed to this burdensome acquisition of commingled debt.

8) Regarding the conveyance of town property, many of our voters are incensed that town property will be sold to the newly merged district for one dollar rather than the assessed, fair market value which is in the millions of dollars. Our taxpayers have invested considerable tax dollars over decades into this property. Our Select Board is particularly vested in this realm of the conversation and the town lawyer has been engaged to explore the constitutionality/legality of this forced “sale.”

9) Montgomery’s geographical isolation is extreme. The local weather phenomena known as the “Jay Cloud” should not be disregarded as mere lore. In 2017/18 Jay Peak received 30 feet of natural snow over the winter. By comparison, Burlington received about 7.39 feet. It is not an exaggeration that we can have a foot of snow on the back of the mountain where I live while the surrounding towns might have a few inches. And so goes the entire winter; it is extraordinary. According to Andy Nash, a meteorologist with the National Weather Service in Burlington,

“The way the mountain is oriented along a northeast-southwest line places it perfectly perpendicular to the northwest winds that we get a lot in winter. Those winds hit the mountain, rise, clouds form, and in winter, the snowfall adds up pretty quickly...that phenomenon is really concentrated from Sugarbush to Jay Peak. As you go farther down the Green Mountains into southern Vermont, the mountain orientation isn’t as perpendicular to the northwest winds... Also, in the southern parts of the state, the winds go over the Adirondacks first, where they drop some of their moisture before reaching Vermont. But upstream of Jay, there are no mountains to steal moisture.”

Couple this with our miles of class 3 and 4 roads (many of which morph into a sea of mud come March) and I'm simply flabbergasted at the reluctance to deem us geographically isolated. It boggles the mind and all I can assume is the people making this determination have never actually been to Montgomery and travelled our roads during the long and challenging winter and mud seasons.

We believe unequivocally that, based on Geographical Isolation alone, Montgomery should be permitted a 2/2/1 as per Act 49.

Our arguments and supportive facts should be compelling. The Secretary's analysis did not do justice to our unique situation nor did it validate our proven **excellence, equity, efficiency, transparency and fiscal responsibility**.

I will remind you again that "community sentiment" belittles the constitutionality at play here. Votes Matter. I do not believe the original intention of Legislators when this bill passed was to negate and override the wishes of a community and legally warned votes. I have spoken with Lieutenant Governor Zuckerman who insists he and many legislators in 2015 expressly believed there was an "off ramp" and schools would not be forced to merge. I have heard from and spoken with numerous State Representatives and Senators who are unwavering in their support of the communities which have rejected the Secretary's determinations and recommendations. Act 46 explicitly states that the preferred structure may not be "possible or the best model" to achieve the goals Statewide. This is a tacit acknowledgment that **one size does not fit all** and schools should be considered on their own merits and unique factors. Act 46, section 5 clearly elucidates an allowance for alternative structures.

We have a recipe that is working beautifully and while there is always room for improvement, we are entirely capable of the work at hand in our current configuration. We are not scared of change. We are changing and evolving all the time in response to the ever shifting terrain of education. Ours is not a static organization. Part of our excellence is borne of our ability to be highly responsive to the needs of our community and our students. It is not change we balk at, it is the State overriding the will of a community in pursuit of educational benchmarks and goals which are already being successfully met at MES. Please trust us to know what is best for our community and, most importantly, our

children.

Please don't hesitate to reach out with any further questions.

With gratitude,

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Chair, Montgomery School Board

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