

Testimony presented by Paul A. Susen, Chair: Huntington School Board, on March 14, 2019

Regarding: H.39 - An act relating to the extension of the deadline of school district mergers required by the State Board of Education

Thank you Chairman Baruth and members of the Senate Education Committee for the opportunity to testify regarding H. 39.

My name is Paul Susen and I am Chair of the Huntington School Board. To explain who we are and how we got to this point, the Huntington School District voted against merger in 2011, 2014, 2016 and 2018. As such, the Huntington School Board remains responsible for the governance of the Brewster-Pierce Memorial School in Huntington, grades PK-4. Huntington students grades 5-12 attend middle school and high-school in the Mount Mansfield Modified Union School District (MMMUSD). The Chittenden East Supervisory Union assesses the Huntington School District for special education, transportation and administrative services.

On November 28, 2018, the State Board of Education ordered that the Huntington School District be conditionally merged into a Mount Mansfield Unified School District, dependent on a co-mingled vote, warned by MMMUSD of the five towns within Chittenden East, and held before July 1, 2019. Based on issues of process, delegation and constitutionality, the Huntington School District filed a legal challenge on December 20, 2018. The defendants included the State Board, The Agency of Education, and due to the specific wording of the Secretary's order, MMMUSD.

Long before any thought was given to a legal challenge, we discussed significant obstacles regarding the timetable for merger. First, on Town Meeting Day, the MMMUSD budget was approved by Australian ballot and the separate Huntington School District budget was approved from the floor. Second, there is no provision in the State Board order for updating and revising the 2014 Articles of Agreement, where certain important articles have expired (examples: school closure and designation of school enrollment vis-à-vis residence). Third, there is a serious question as to what happens if either a co-mingled vote fails, as has occurred in Lamoille North with the Cambridge Elementary School District, or if the vote is not held by July 1, 2019. In both circumstances, if the 2014 Articles apply as written, Huntington would remain a non-member elementary school district, in other words - status quo. In sum, the ambiguity around how a budget is consolidated, what role the electorate has in voting for a new consolidated budget, whether and how the Articles of Agreement are reviewed or re-negotiated, and what happens in the event the co-mingled vote fails or is not held must be resolved before a community forum is held and any vote occurs. In addition, clarity is needed as to whether the language in H.39 providing for a possible one-year extension of merger for Huntington would also postpone the deadline of the election by one year. Finally, merger results in the complex operational processes associated with dissolving the supervisory union and two school districts and creating a new unified district.

The Huntington School District has a voluntary stay with the State, until MMMUSD warns a vote or the Court rules on the main argument whichever occurs first. We do not know whether or when MMMUSD will warn or hold a merger vote, nor do we know how the timetable associated with the Court's rulings will affect this process. If a co-mingled vote held before July 1, 2019 is successful, the Huntington School District would move expeditiously to cooperate in this merger process. However, given the concerns, ambiguity and unanswered questions expressed above, July 1, 2019 appears to be a difficult if not impossible deadline to meet with integrity, accuracy and community inclusion. Thank you.

