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Rep. Kathryn Webb, Chair, House Education Committee  
Rep. Lawrence Cupoli, Vice-Chair  
Rep. Peter Conlon, Ranking Member  
Rep. Kathleen James, Clerk  
Representatives Arrison, Austin, Brady, Brown, Hooper, Roof, and Williams

Re: Drafting request #22-0675. School district mergers and withdrawals

Dear Members of the House Education Committee,

My name is Herb Olson. I live in the Town of Starksboro, Addison County. In past lives I was honored to be a staff attorney on the Vermont Legislative Council, and to be the General Counsel to the Vermont Department of Financial Services, formerly BISHCA. Together with Nancy Cornell, former Associate Superintendent of the Addison Northeast Supervisory Union, we have organized the Starksboro Save Our Schools Committee to oppose plans to close our effective, equitable, and beloved elementary school.

I commend the Committee for considering amendments to the provisions of Title 16 relating to the school district merger and withdrawal. Many of the provisions of Act 46 were not codified in the Vermont Statutes Annotated at the time of enactment of Act 46, resulting in some instances in a lack of clarity concerning legislative policy and intent between older and newer provisions of the chapter.

For example, the statutes creating a merger study committee do not clearly articulate the range of matters that may properly be considered by the committee, including consideration of whether alternative governance arrangements might be financially feasible and educationally beneficial for students. Without consideration of alternatives, the merger study committee is left in an unenviable situation of deciding whether or not to recommend merger, without being able to compare alternatives to merger.

As a further example, while 16 V.S.A. section 724 establishes certain time frames for a town withdrawal vote, no time frames are established for the ratifying votes of other member towns in the district, nor is an overall time frame established for completion of the entire withdrawal process.

I am happy to work with your legislative counsel on these and other clarifying amendments, should the Committee so desire.

Unfortunately, the legislative draft proposed by the State Board of Education does not address the needs for clarity described above, and instead makes the entire process far more time-consuming, uncertain, and susceptible to arbitrary decision making. Faced with the standards and procedures proposed in the State Board's draft legislation, I doubt that any town would ever

think it possible to withdraw from a union or unified district, even if there were good reasons to do so.

Starksboro's experience since the Mount Abraham Unified School District (MAUSD) became operational on July 1, 2018 may be illustrative for the Committee.

1. In November, 2019, despite the clear intent of the Legislature that Act 46 not be a vehicle to close smaller, rural elementary schools, the MAUSD Administration declared that some of the District's elementary schools would need to be closed for the District to remain financially viable.
2. In December, 2020, the Administration identified the elementary schools in Starksboro, Lincoln and New Haven for closure, citing catastrophic financial consequences if the schools were kept open.
3. The Administration's plan called for the MAUSD Board to close the targeted schools, despite Articles of Agreement which expressly guarantee a vote by town residents before its elementary school program is closed.
4. Starksboro parents, other residents, and the Town's elected officials vehemently opposed this plan, seeing it as contrary to the best interests of our students and of our town, and a breach of trust in not abiding by the promise of a town right to vote. Many of our students are considered "at risk", and we fear for them leaving the supportive environment of our school.
5. During April and May, 2021, community members, at the invitation of MAUSD, developed proposed financially feasible plans for keeping elementary schools open.
6. Instead of reviewing the community plans, MAUSD hired a consultant. The consultant's work is in the final stages of completion.
7. In May, 2021, the Mount Abraham Union School District and the Addison Northwest School district established a Merger Study Committee under 16 V.S.A. section 706. The Merger Study Committee presents a real threat to Starksboro's elementary school, in that Articles of Agreement of the new, merged district may not continue our current guarantee of a right to vote before a school is closed.
8. In January, 2022 the MAUSD consultant released its draft report, confirming what the community already knew that the District could remain financially viable without closing elementary schools.

The problems we have with the State Board of Education's proposed legislation are not about merger or withdrawal per se, about which reasonable minds may differ, and which are highly dependent on the facts of a particular situation. Instead, for Starksboro, the issue is two-fold.

- First, the actions of MAUSD have resulted in a broken relationship between the community and the District. Starksboro is avoiding any rash decisions, but it will be difficult to repair the broken relationship between the community and the school district. In that event, it might be in the best interests of our students to move to a new governance arrangement, which the current statutory withdrawal process permits. If Starksboro did decide to withdraw, it would have good reasons to do so.

- Second, it would be ironic in the extreme if Vermont, with its reputation for a vibrant democracy, would accept a proposal to silence local democracy on such a fundamental issue as where young students should learn. Why would we not trust parents and residents with the most direct understanding of their students' education to decide what is in their best interests?

In conclusion, I urge the Committee to not support the proposed withdrawal legislation offered by the State Board of Education. Instead, I urge the Committee to consider common sense amendments designed to clarify and reconcile current laws relating mergers and withdrawals, without fundamentally altering current legislative policy allowing a town to withdraw from a school district if it believes it is in the best interests of its students to do so.

Thank you for your consideration,

Herb Olson

Cc: Rep. Caleb Elder, Rep. Mari Cordes, Starksboro Save Our Schools Committee, Starksboro Selectboard, Starksboro Planning Commission