

Senate Ed.

April 8th, 2022

My name is Jim Brochhausen I'm a resident of Stowe. I spent seven years on the Stowe's school board from 2012 - 2019. I have been involved with Act 46 from the very beginning.

As a school board member, our actions and thoughts relating to Act 46 and our AGS was heavily reliant on the guidance from the Agency of Education and the Vermont's School Board Association. Both organizations regularly provided school boards guidance relating to Act 46.

As a board we worked very hard on our AGS, to make sure it clearly demonstrated we exceeded Vermont's educational quality standards and was the best practicable plan. Yet, despite the Secretary of Education's approval of our plan, twice, on a split vote, we were rejected by the Board of Education. The reason it was voted on twice was because some Board of Education members admitted they did not have time to fully read our AGS the first time. Imagine how we felt. Yet despite that, the Board of Education still voted to override the Secretary of Education's approval of our AGS. **This is the first reason, most folks in our three communities felt betrayed by the process.**

With little hope left, our two boards worked collaboratively to construct the Lamoille South Unified Union. Part of that process was to put into place the Articles of Agreement. We did so and put it to the voters on February 27th, 2019. The three communities approved the LSUU Articles of Agreement.

In the AG's informal opinion, I noticed that she did not specifically look at Lamoille South Unified Union's Articles of Agreement. Perhaps, because most of the articles were required by the Agency of Education to be in there and did not permit any changes. Article 14 is one of the articles that we had no authority to change. But if you look on page 8 of Lamoille South Unified Unions Articles of Agreement, you will see that under that article it says the following, and I am quoting word for word

Article 1, Paragraph (C)

section 724 (withdrawal by

member town in year two or after).

Period! You should note that the Agency of Education omitted the phrase “voluntarily or voted to be merged.” Or provide a disclaimer that this does not apply to Unified Union schools.

I'd be curious if the AG's office would have a different perspective knowing that The Articles of Agreement that LSUU were provided by the Agency of Education seems to be in conflict with the actual wording of section 724? And, the three communities that voted to ratify them, **in good faith**, believing that the Legislature intended that these specific articles were accurate and lawful. Why would we think otherwise? **Would the Secretary of State's office think otherwise?**

I believe the Vermont Legislature, would agree with me, **that no person or agency can lawfully make such significant changes to the LSUU's Articles of Agreement after a lawfully required vote.** Yet we've been told by some from the educational establishment that “legislative intent” trumps legally required Articles of Agreement and more troublesome, that votes by the electorate do not count or matter. I ask you good folks of the Senate, **was this then**, or now your intent? **This is the second reason for our lack of confidence that we will be treated fairly.**

Another issue that I find very troublesome was the lack of disclosure to the residents of Stowe, Elmore, and Morrisville. After reviewing law statutes and attorney's opinions, it becomes abundantly clear to me that our three communities had another, perhaps a more logical choice, **possibly a better choice**, then pursuing an AGS. As the laws are currently written, we could have, back in 2015, voluntarily merged, taken advantage of the merger tax incentives, and if we found that the merger was not working, we could have simply voted to separate.

Yet, that option was not disclosed to us by the Agency of Education or the Vermont School Board Association. We were strongly led to believe that the only way to maintain our successful school districts was the alternative governance structure pathway.

Should those who drafted, or helped to draft Act 46, and the VSBA who provided school boards guidance on how to navigate through Act 46, have told school boards, towns, and their constituents that, by pursuing an AGS would put at risk of **having permanent governance structure imposed on their town.** I would think that the VT. Legislature and the AG's office would frown upon such a major absence of disclosure of critical information, whether intentional or not. **This lack of transparency is the third reason our communities are concerned that we may not be fairly treated.**

So, some in the Vermont educational establishment believe, given current law, **we are permanently merged.** They wrap their opinion around “legislative intent,” **your intent.** I find it quite unbelievable that the Vermont Legislature intended that these various nuances

in the law, were intentionally designed to be an obstruction for the Board of Education to hear our proposal?

I believe that your “legislative intent” is to be fair and equitable to all school districts, so they are **empowered to provide students a pathway for strong educational outcomes at a cost that the taxpayer values.**

In our community we have seen numerous examples of our student’s educational quality standards deteriorating. At the same time, in just two years, prior to the merger, we spent \$14,939 per equalized student. In our current fiscal year, we are spending \$17,069 per equalized student. The spending increase on an equalized student basis has grown by 14.3% over the last two budget years, an exorbitant increase.

The communities of Stowe, Elmore, and Morrisville voted in 2021 to allow Stowe to separate with the hope that the Lamoille South Supervisory Union would once again be our governance structure. The voter turnout was very strong. The communities, said in a loud voice, with almost 2 out of 3 voting for separation. Our communities understand that the merged districts are failing our students and taxpayers. Ask yourselves, what if the 2018 Board of Education got it wrong? What if the vast majority of voters in the three communities know something that Montpelier does not? No Board is infallible! Mistakes happen every day.

I think the VT Legislature’s intent was, and still is, to charge this board today, with the responsibility to ensure that our communities have the best practicable plan in place.... and would also expect the Board to correct any possible past mistakes of their predecessors?

In March we met with the Board of Education. Mr. Olsen said he voted in 2018 to support our AGS. He asked for us to be patient and let the Legislature provide a fix.

On Wednesday night, WCAX in covering H-727, used the headline “Bill could make it harder for Vermont towns to leave union school districts”. I believe on Wednesday Senator Chittenden expressed a similar comment about the bill. This is a tough bill and puts an unreasonable burden on community members. That said, we appreciate section 5 of the session law and hope that it can be passed out of committee and be approved by the entire legislature. Please remember justice delayed is justice denied.

Respectfully submitted,

Jim Brochhausen

References:

Enclosed, LSUU Articles of agreement

<https://www.wcax.com/2022/04/06/bill-could-make-it-harder-vermont-towns-leave-union-school-districts/>