

Margaret MacLean, Peacham
Past member Vermont State Board of Education
Past employee Rural School and Community Trust
April 11th, 2022

In making changes to long standing law, it is important to look comprehensively at how current law is working and consider how changes to the law impact the opportunity of citizens to participate in the process. Thank you for your work on this issue. I am specifically speaking to the withdrawal section of Title 16 Chapter 11, and I have good news to report. **Local democracy is working. Current law is working.**

Numerous towns have used democratic processes to petition, discuss, and vote on issues related to Act 46. These towns demonstrate how important citizen involvement is in school and town governance and are processes effectively embedded in current law. Towns have voted to change articles of agreement to reassure citizens on issues such as repurposing of school buildings and school closure. Examples include Windham Southeast SU and Missisquoi Valley SD. Compromises reached locally in countless districts have avoided further steps towards withdrawal. Over 90% of merged districts have adjusted articles of agreement to include safeguards for schools.

Of the towns who have voted to withdraw or dissolve mergers, more towns have subsequently voted not to proceed than have voted to proceed. An example are the towns of Bradford and Newbury. Newbury and Bradford did not merge voluntarily. Newbury citizens petitioned the merged board for changes to articles of agreement to address concerns. Changes to articles were made which reassured some Newbury residents. Others remained dissatisfied with forced merger, particularly regarding the assumption of debt. Residents petitioned to withdraw and dissolve the merger. The dissolution of the merger was unsuccessful at the ballot box. Current law works, and results in a variety of outcomes – as it should.

Districts who have voted to change articles of agreement and districts who have voted not to dissolve mergers dwarf the number of withdrawals. Only 3 towns have withdrawn from mergers: Halifax, Readsboro and Westminster. A small group are currently in process: Lincoln, Ripton, Stowe and Starksboro. This full picture demonstrates that on a local level democracy is working. However, democracy only works if it is allowed to.

In making changes to the law the State Board of Education and House Education Committee have focused primarily on the Town of Ripton as the rationale for change. Ripton has successfully followed every step in current law, a time-consuming process, taking thousands of volunteer hours.

Two opportunities afforded other towns were denied in Ripton. Lost opportunity number one was when Ripton citizens gathered over 800 signatures from all 6 towns in their merged district asking the Addison Central Supervisory District ACSD board to discuss and vote on changes to

the articles of agreement. The petition was denied by the ACSD board, and no action was taken. ACSD is an outlier by this action not an example of what has been typical statewide.

Lost opportunity number two was after all towns, Middlebury, Weybridge, Cornwall, Bridport, Shoreham, and Salisbury voted by a wide margin 79% to approve Ripton's vote to leave the district. This vote sent a message but rather than letting that vote resolve the issue, the ACSD board subsequently refused to act as a Supervisory Union for Ripton. Numerous other districts in Vermont are a mix of merged and unmerged groups. One example is Windham Southeast SU which represents a merged group of Putney, Dummerston, Gilford and Brattleboro working in an SU with Vernon a single town school district. This is common practice in rural Vermont, Supervisory Unions are a national rural model for administration. On this issue ACSD is again an outlier, no other administrative structure in Vermont has refused tax dollars to serve a town school district.

Regardless of the outcome - remaining merged or dissolving a merger - current law, which includes a healthy dose of democratic agency on the part of citizens, demonstrates it is working. But current law only works if the democratic opportunities it affords are accessible to the electorate. Had those lost opportunities been explored by ACSD, Ripton would most likely have remained merged or be effectively operating in Addison Central as a Supervisory Union, rather than being the impetus for the revision to the withdrawal section of Title 16 Chapter 11.

When it comes to withdrawal Ripton is the exception, not the rule. ACSD's actions are outliers, not typical in Vermont where predominately we have examples of collaboration taking place and consensus being built. Should long standing law be changed for the State of Vermont based on an outlier? As you review changes to current law based on Ripton's difficulties collaborating with ACSD you will find:

- They include many new steps and requirements
- They need considerable additional time
- Sections have no time limit; an indefinite delay could occur
- The requirement that the withdrawing town find a union board to provide supervisory services means that union boards essentially hold a veto power over withdrawal.
- If the State Board makes a negative recommendation of withdrawal, a 60% supermajority is required for a town to approve withdrawal.

The inescapable conclusion is that this a process designed to fail. A withdrawal process that is already a daunting task for volunteers becomes a process that is inaccessible for regular Vermonters. A comprehensive report of how current law is working, including districts who have changed articles of agreement, towns who have voted not to withdraw etc., should be required by the committee. This testimony shows the basis for H727 is flawed. H727 is overkill and not proportionate to the issues. Changes should build on current law using the amendment

presented yesterday by Herb Olsen. Changes should build on what is working. The power of local democratic engagement in effectively resolving concerns should not be dismissed.