

## In the Context of H-727

### The Need to evaluate Act 46:

When considering drastic changes to withdrawal such as are in found in H-727, an essential question for the legislature is whether Act 46 is delivering its hoped-for benefits. Where is it effective? Where is it failing? And to what degree? It is important to understand in what categories, at which educational levels, and in which communities, the stated goals and purposes of Act 46 are being met and are not being met, and to evaluate with data and metrics. Until the success or lack of success of Act 46 is understood, efforts such as H-727 - which incorporates the goals and purposes of Act 46 throughout - are being built on uncertain and unstable ground, and will likely be harmful to the children and students the Act is intended to serve. Preventing communities from making better arrangements when Act 46 is not working, is damaging to students and communities.

While an undertaking to “withdraw,” (a thoughtful and measured decision to “stay,” and to keep a well-functioning, fiscally viable community school open), is a difficult and arduous process under existing law, with existing substantial hurdles and obligations, it can be worthwhile for a community and for state education purposes writ large, to undertake the enormous work and effort required by this process. To create insurmountable obstacles to “withdrawal,” - as a policy matter, - which is what H-727 does, must involve informed and deliberate scrutiny by lawmakers.

***Respectfully provided in draft form for discussion purposes only and in my individual capacity.***

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April 13, 2022

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Attachment: The Need to evaluate Act 46

Act 46 is incorporated at least twelve (12) times in H-727. Following are the section numbers and page numbers as found in H-727 in the version passed by the House:

- 1) Sec. 701, pgs. - 1 & 2
- 2) Sec. 708 (c) - pg. 19
- 3) Sec. 709 (c) (2) – pg. 23
- 4) Sec. 721 (a) (2) – pg.56
- 5) Sec. 721 (4) (B) (2) – pg. 57
- 6) Sec. 722 © - pg. 60
- 7) Sec. 724 (c) – pg. 65
- 8) Sec. 724 (e) (3) (A) – pg. 71
- 9) Sec. 724 (e) (3) (B) – pg. 72
- 10)Sec. 725 (c) – pg. 83
- 11)Sec. 725 (e) (3) (A) – pg. 88
- 12)Sec. 725 (e) (3) (B) – pg. 89

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H-727 – Contains anti-democratic provisions:

A few that bare mentioning from the outset:

- 1) 60% voting threshold:
  - In Sec. 724 at pg. 74
  - In Sec. 725 at pg.92
- 2) Appointment of replacement board members – pg. 106
- 3) Starksboro - pgs. 170-171
- 4) Articles voted on can be rewritten - Section 722 – pg. 58
- 5) Honoring Articles specifically voted on by voters/absent
- 6) Informing the voters of some things but not others
- 7) Co-mingled votes

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## H-727 – Summary:

A 171-page rewrite of Title 16, Chapter 11, having to do with school mergers and withdrawals,

- is not neutral on allowing the best arrangements to be made,
- actively and aggressively enables mergers and larger entities
- makes “withdrawal” impossible,
- (i.e. “withdrawal” is actually “staying” and pivoting to other, better arrangements)
- Resulting in anti-democratic provisions throughout

The **flawed** underlying policies and assumptions found in H-727 are that:

- 1) Act 46, “works”
  - **The legislation incorporates Act 46 throughout, (found in 12 places in the rewrite)**
  - **NOTE: Act 46 is completely unevaluated**
- 2) Bigger is better, (without understanding whether that is true)
- 3) Voters and citizens are not to be trusted

Two more notes:

- 1) The rewrite is characterized as an update to 1967 legislation:
  - When in fact, a substantial rewrite of chapter 11 occurred in 2007, including mergers and withdrawals. And has been actively amended since that time including amendments in 2009, 2013, 2014, 2015, 2019. It is worth noting that the existing withdrawal procedures are already extremely difficult.
- 2) The rewrite is characterized as informing voters:
  - When, in fact, is reveals a great mistrust of voters and citizens
  - And only partially informs them, (steers the information),
  - And once they are informed, they learn they can do nothing

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SPECIAL SECTIONS IN H-727 RELATING  
TO SPECIFIC TOWNS  
THAT HAVE INITIATED THE WITHDRAWAL PROCESS

There are four special sections in H-727 have been referred to as “carve outs.” These sections, are, in fact, “add ons,” - that create new, additional and burdensome requirements for specific towns. Each section contains elaborate language specific to a particular town, (see below) - a town that has initiated valid processes, - in FULL RELIANCE ON EXISTING STATUTES. Most amazing, in the case of Starksboro, the language actually undoes a validly held vote.

Section 4, “Ripton,” – see pages 149 – 153;  
Section 5, “Stowe,” – see pages 153 – 161;  
Section 6, “Lincoln,” – see pages 161 - 170  
Section 7, “Starksboro,” see pages 170 - 171.

Here is an example of an additional requirement that could be imposed on a town on July 1, 2022: After collective, detailed and exhaustive work, over a long period of time, there must now be provided: “**any other** advantages and disadvantages of withdrawal, **including any advantages and disadvantages** to the students and taxpayers of the region **and the State.** Keep in mind that this requirement is in the context of an Act 46 that goes completely unevaluated.

These four “ad on” sections:

- 1) Are only used once, - and only for each particular town, each sunset, depending on which town, on either July 1, 2023 or July 1, 2024.
- 2) Are unnecessary, - as the existing process is daunting and already allows for careful vetting and requirements for meeting all standards. The work that has been done, in full reliance on existing statutes, has, as its foundation, an enormous amount of detailed and collaborative work, over a period of many months, to be proactively prepared for the responsibilities required for operating a school district that meets State standards and complies with applicable state and federal requirements.
- 3) Create Confusion: What exactly happens in which town on which date and how, when the calendar turns to July 1, 2022?
- 4) Interferes with valid processes, **undertaken in full reliance on existing law.**
- 5) Is an extraordinary and mystifying way to legislate.

**Recommendation:** That this elaborate 23-page section of the bill, should be deleted and replaced with simple, clear, affirmative language, that those towns that have initiated the withdrawal process under existing law, are able to continue to do so under existing law, until July 1, 2024.

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RESULTS OF RATIFICATION OF WITHDRAWAL VOTE ON TOWN MEETING DAY

MONKTON: 289 - 70

NEW HAVEN: 240 – 90

STARKSBORO: 286 - 34

BRISTOL: 554 – 219

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**Process Overview:**  
**Steps the citizens of the Town of Lincoln took**  
**To keep an excellent, fiscally responsible elementary school open**

*Lincoln is part of a long-standing five-town community, comprised of Bristol, Lincoln, Monkton, New Haven, and Starksboro, and has historic and positive connections and relationships with its sister towns. Until a few years ago, (July 1, 2018), this five-town community operated five community elementary schools and a shared secondary school, as members of a supervisory union and a union high school district. Under this model there was an informed and engaged voice on behalf of the community elementary schools as distinct from the shared secondary school. There was also a board dedicated to the concerns and needs of secondary schools and its students. There was fiscal transparency in the supervisory union central office. There was financial rigor and accountability because the citizens and taxpayers had a voice.*

*To address the future of the education and opportunities for all of the children and students in all five towns, over the last several years there has been a great deal of volunteer community involvement among the citizens of these deeply connected communities. We believe that a comprehensive history and narrative of this extensive five-town community involvement could be useful in informing the discussion of larger issues before the Committee, and we would be happy to provide such a narrative.*

*At present, however, we wish to emphasize that when faced with the unnecessary and harmful effective closure of three of the five elementary schools in the unified district, and steps were taken to remove the right-- guaranteed in the District Merger Articles of Agreement-- of each town to vote on the closure of its school, the citizens of the Town of Lincoln felt compelled to look more deeply into how to preserve that which is best for the elementary school child. A group called Save Community Schools was formed and was inclusive of all five towns in its concerns and thinking, but ultimately could only take steps to preserve the Lincoln Community School, an enormous educational asset and center of our vibrant town.*

*None of this was easy. Through great care and diligence we undertook extensive research, gathered information, sought out relevant knowledge and experience of others, and connected with state and local officials, always with the goal of understanding and communicating accurate information in a responsible, transparent, and inclusive way.*

*Our recent process, **in full reliance on existing statutes**, is itemized briefly as follows.*

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**Timeframe:** *While the Lincoln Community has been engaged in many matters on many levels beginning in earnest in the fall of 2020, the activities listed below began in July 2021, starting with a petition, (with 10% of the voters gathered in a weekend), organized by Save Community Schools and filed with the Lincoln Select Board, to schedule a town-wide vote on withdrawal, (i.e. preservation of an elementary school), from the Mount Abraham Unified School District (MAUSD).*

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## **Prior to Town Vote**

- Consultation with MAUSD Leadership
  - Meetings with Superintendent, Business Manager, Lincoln Community School Principal
  - Analysis of Lincoln enrollment, staffing, and financial data
  
- Information Gathering and Research
  - Budget analysis: similar VT schools
  - Review of Statutes
  - Becoming more informed citizens about school funding in Vermont, including critical levers of equity such as equalized pupils
  - Conversations with current and former educators in Lincoln/nearby region
  - Supervisory Union structures; other governance models
  - Education research and scholarship
  
- Engagement with Lincoln and Neighboring Communities
  - Information sessions: topics included student equity, finances, maintaining vibrant communities
  - Provided residents with an estimate of potential tax changes [slight reduction indicated for FY21, had Lincoln been out of MAUSD]
  - Two well-attended special informational meetings
  - One special select board informational meeting
  - Outreach and discussions via Front Porch Form, Letters to the Editor, SCS Website, mailings, individual inquiries on particular questions.
  - Coordination with Lincoln Select Board, Town Clerk

**\*\* August 24, 2021 Withdrawal Vote \*\***

**Turnout:** 697 voters (> 60%)

**Withdrawal approved: 525 to 172 (75.3% to 24.7%)**



Supporting information re:  
Testimony of Jim Warnock, February 1, 2022  
Testimony of Paul Forlenza, February 2, 2022

### **After Town Vote/Prior to Ratification**

- Continued Consultation with District Leadership
  - Additional meetings with Superintendent, Business Manager, Lincoln Community School Principal
- Engagement with Lincoln and Neighboring Communities
  - Information sessions: why ratify the Lincoln withdrawal vote?
  - Provided an estimate of potential tax changes to residents in other district towns [MAUSD projected negligible tax changes]
  - Outreach via Front Porch Form, Letters to the Editor, SCS Website
- Consultation: Four-town Ratification Vote
  - Request for guidance from Agency of Education, Secretary of State Elections Division
  - Communication with Town clerks and Select Boards in Bristol, Monkton, New Haven and Starksboro
- Conversations with Ripton School District
  - Options for shared governance, supervisory union services
  - Preliminary data gathering and analysis: enrollment, staffing, financial information

**March, 1 2022 (Town Meeting Day) Ratification Vote Scheduled**

*Bristol, Monkton, New Haven, Starksboro*



<https://www.savecommunityschools.org/>