

Lynn Edmunds' commentary, "Misplaced Authority", published in the Rutland Herald on March 16th warrants a couple of relatively minor clarifications, but more importantly a bit of historical background to provide a clearer context:

The law on the books for many years authorizing selectboards to fill vacancies on school boards was carried forward from the 1700-s when school "boards" were really just subcommittees of selectboards, and was not changed when school directors became duly elected officials. This was finally corrected by the legislature with Act 32 of 2005. Act 32 began as a resolution from the Wallingford Town School District Board of Directors after two consecutive disagreements between that board and the Wallingford Selectboard as to whom to appoint to fill vacancies on our school boards: one a seat on the Wallingford Elementary Board and the other the seat of a Wallingford representative on the Mill River Union High School Board. The final draft of the resolution that left the Wallingford School Board for consideration for adoption by the membership of the Vermont School Boards Association proposed to change the statute such that if a selectboard didn't agree with the recommendation from the school board they would ask the school board for another recommendation until agreement was reached. The proposal was changed at the VSBA Annual Business Meeting in the fall of 2004 to shift the final authority to fill vacancies on school boards to the remaining members of the school board involved. Subsequently the now VSBA resolution was introduced as a bill to be considered by the 2005 legislature. I testified to the House Education Committee on what was then H.201 on April 26th of that year, and some of the stories from around the state made the disagreements in Wallingford pale by comparison. The end of that chapter of this story came when Governor Jim Douglas signed the bill into law on May 25th, 2005.

Act 32 affected town school district boards (more commonly known as elementary boards) and union school district boards, but the authority to fill vacancies on school boards where the member town didn't operate a school district, as in a unified union structure, remained with the selectboard of that town. Unified unions started forming in earnest after Act 46 of 2015 – I believe Rutland Northeast and our own Rutland South Supervisory Union were the first two to make the change post-Act 46 – and it was recognized that the part of the vacancy statutes applicable to unified unions was not in sync with the rest of the law. That was corrected by Act 49 of 2017; it is not a case of the statute never being "...changed back to Select Boards..." as Mr. Edmunds states, because as far as unified unions are concerned, that authority had never left selectboards until Act 49. The bottom line is, the Clarendon Selectboard, or any selectboard in what is now the Mill River Unified Union School District, has not filled a vacancy on a school board in nearly 16 years. In fact, no selectboard in Vermont has filled a vacancy on a town district or union school board in that time.

Later in his writing Lynn quotes 16 VSA 424 (a), but that part of statute is no longer applicable to us, and it would fall under the school district's purview to call for a special election if it were. Admittedly, it can be confusing unless one is quite familiar with it all. Still later he correctly

shares that the latest iteration of Act 49 can be found in last year's appropriations bill, Act 154, where many items were included by legislators scrambling to complete their work under the unusual circumstances dictated by the pandemic. The bottom line is the March 13th Mill River warning in the Herald is correct, throughout.

To summarize, current law states school boards have the authority to fill vacancies on all school boards regardless of the governance structure; in the case of unified union structures, the school board shall consult with the selectboard. The selectboard does indeed have the option to call for a special election, but in this case the term of the school board member in question will still expire as of Town Meeting 2022 even if the people of Clarendon hold a special election after the Mill River Board appoints someone to fill the vacancy. It simply makes no sense to me to call a special election for a position that will have to be reelected 10 or 11 months hence when it would be a better use of time and resources for everyone to work together for the greater good.

I have been in communication with the leadership of both boards and am cautiously optimistic about cooperation even beyond requirements of the law. It is my sincere hope that we all can put the recent divisiveness in the member towns of the Mill River District leading up to Town Meeting behind us, and that this process can usher in a spirit of collaboration for the benefit of our students.

Everybody stay well,

Ken Fredette,
Wallingford