

Brigham

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Brigham v. State, 166 Vt. 246 (1997)

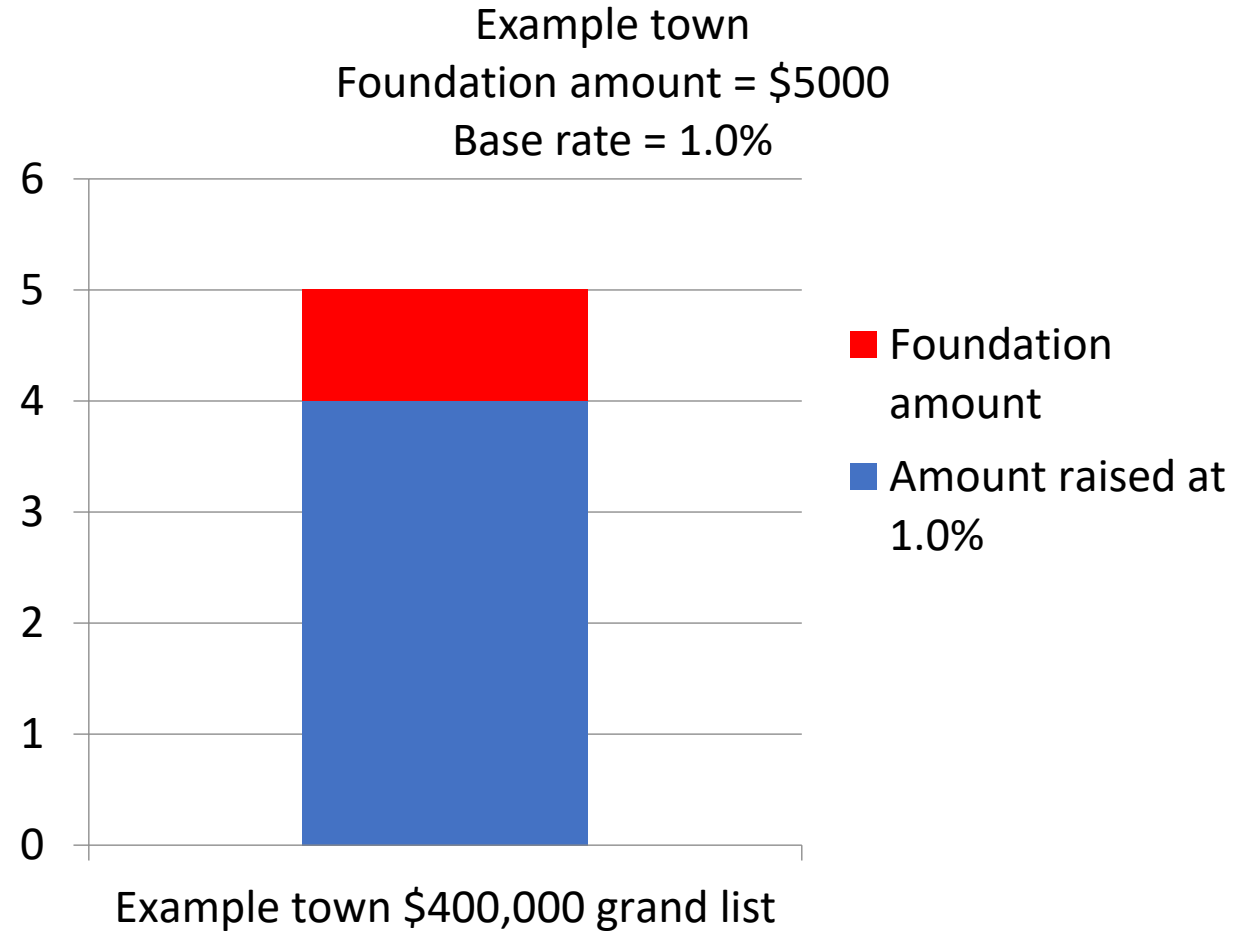
- Plaintiffs brought suit against the State, arguing that the then-current Foundation Plan violated the Vermont Constitution by creating inequities between property rich towns and property poor towns.
- The Vermont Supreme Court held that the education financing system in place at the time, “with its substantial dependence on local property taxes and resultant wide disparities in revenues available to local school districts, deprive[d] children of an equal educational opportunity in violation” of both the Education Clause and the Common Benefits Clause of the Vermont Constitution.
- “[To] fulfill its constitutional obligation the *state* must ensure substantial equality of educational opportunity throughout Vermont.”
- The Vermont Constitution is silent on how this obligation (education) must be funded: “Although the Legislature should act under the Vermont Constitution to make educational opportunity available on substantially equal terms, the specific means of discharging this broadly defined duty is properly left to its discretion.”

Vermont Constitution

- **Education Clause**, Ch. II, § 68: “...a competent number of schools ought to be maintained in each town unless the general assembly permits other provisions to the convenient instruction of youth.”
- **Common Benefits Clause**, Ch. I, Art. 7: “...government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a part only of that community...”

Historic Vermont Foundation Plan 1988-1997

- Under Vermont's education finance system from 1988-1997, the State set a foundation property tax rate annually, which was meant to be a reasonable rate of local property taxation to raise...
- ...the foundation amount/cost—the amount needed to provide a *minimum-quality education* (set by the State)
- The State provided a grant, up to the foundation amount, to cover the amount a town was unable to raise with the base tax rate
- Example town
 - Foundation amount = \$5,000
 - Base tax rate = 1%
 - Town grand list is \$400,000
 - State grant = \$1,000



Equity example

Two towns—one with lots of property wealth, one with little
Both towns want to spend \$10,000 per pupil
State's foundation amount is \$5,000 and the base tax rate is 1%

