



Westminster Community Schools

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Testimony of Dr. Cheryl Charles, Chair, Westminster Town School Board

April 12, 2022

To the Senate Education Committee Concerning H.727

Chairperson Campion and other distinguished members of the Senate Committee on Education, thank you for the opportunity to comment on the proposed changes to current legislation affecting a town's ability to withdraw from a union or unified union school district.

I discourage your making any changes to the current law. If you do make changes, however, I urge substantial caution and care. If you decide to accept some of the proposed legislative changes sent to you from the House Education Committee, I strongly urge you not to accept the following new requirements being proposed. They are unnecessarily onerous and inherently undemocratic. Specifically:

- **Do not agree to the requirement to get 5% of the voters in all towns in the school district to sign a petition to consider withdrawal of one town.** It is reasonable to ask citizens in the petitioning town to sign such a petition. It is not reasonable to prevent the process from even beginning by requiring 5% of voters in all the other towns to sign such petitions.
- **Do not agree to the requirement to get a letter of commitment to explore possible withdrawal from a supervisory union school board where the petitioning town is a member.** It is unnecessarily restrictive to require this prior approval to explore the possibility of withdrawal. The report of the proposed study committee must include an analysis of the source of supervisory services, so this analysis will be completed as part of the process. It is inappropriate for a regional board to restrict the possibility of a town's exploration of possible withdrawal.
- **Do not agree to the requirement that a supermajority of 60% of the voters must approve withdrawal in the circumstance whereby the Vermont State Board of Education does not recommend withdrawal.** A simple majority is sufficient. Requiring a supermajority gives an unelected, six person Board unreasonable authority.

I make these recommendations from first-hand experience with the process of the town of Westminster's withdrawal from the Windham Northeast Union Elementary School District (WNUESD). Westminster is one of only three towns to date that have withdrawn from a school district under the guidelines of current law.

The WNUESD was created in 2018 by the Vermont State Board of Education when, against the recommendation of the acting Secretary of Education at that time, it forcibly merged the towns of Athens, Grafton and Westminster's students into this new district. No rationale was offered by the State Board. Their questions to us in the times we presented and made our case for our proposed Alternative Governance Structure focused almost entirely on why the small towns of Athens and Grafton were not yet a merged school district, when in fact they were jointly operating the elementary school in Grafton. The Board forced Westminster, a town not contiguous with either Athens or Grafton, into the new district. The State Board rejected our Alternative Governance Proposal, congruent with the membership of our Supervisory Union, and instead forced Athens, Grafton and Westminster into this new district of about 250 students rather than the 1100 served by our supervisory union.

Our experience is strong testimony in support of keeping the State Board of Education's authority within appropriate guard rails. Not letting the State Board have veto authority for a town's proposed withdrawal is an important guard rail to support. Guard rails for towns trying to withdraw from both forcibly merged and voluntarily merged districts are already in place. Most of the new proposed changes to law are excessive.

Westminster's withdrawal from the forced merger with Athens and Grafton into the WNUESD was a painstaking, thorough and thoughtful process. The State Board of Education asked us to meet a set of rigorous requirements. We did. They asked probing questions, both in April at our initial hearing, and again in September 2021. They forced a delayed process in which Westminster does not have full authority until July 2022. Already rigorous, the current law works.

In closing, I would like to refer you to the dissenting opinion in the case taken all the way to the Vermont Supreme Court, Athens School District *et al* versus Vermont State Board of Education. In July of 2020, the court ruled three to two in favor of the State Board. Justice Eaton, with concurrence by Justice Cohen, offered this caution about forcing mergers where not "necessary." I think this logic extends to preventing withdrawals from mergers.

"Our Constitution provides that 'a competent number of schools ought to be maintained in each town unless the general assembly permits other provisions for the convenient instruction of youth.' Vt. Const. ch. II, § 68. For over 240 years control over how to run districts has been in the hands of local school districts and the schools have been a source of pride and a focal point of our towns. When small districts are involuntarily merged, their votes are diluted, and they lose control over education in their towns. This is contrary to our history and to the express provisions of Act 46, which require a necessity finding."

And, further, the dissent states, “The Board reasoned that mergers should go forward when possible and practical without examining whether those districts were already meeting the goals of the statute and therefore merger was unnecessary.”

As bad as it was to be forcibly merged, to make it nearly impossible to withdraw from a merger, forced or otherwise, is antithetical to the spirit and intent of the law and worsens the situation the Justices described in their dissent.