

Oral Statement;  
July 18, 2018

Despite repeated statements to the contrary the camouflaged intent of Act 46 is to consolidate, and close Vermont's small schools. The subterfuge deliberately created by this legislation displays cowardice by delegating that which the Legislature refuses to take responsibility for, to the new consolidated school boards.

In an email from then Lieutenant Governor Phil Scott dated September 15, 2016, he states for the record, "Franklin is an example of where the existing provisions in Act 46 do not always work the way lawmakers intended them to. Act 46 consolidation does not work when educational outcomes are worsened, and when per pupil costs rise. Act 46 needs to be reformed so that districts are given the flexibility to remain autonomous, and retain control, and so that education remains local."

Acting Secretary Bouchey's version of the Statewide Plan, reveals a sense of arrogance that jumps off it's pages, that must be addressed without delay.

As required by Act 46/49 the members of the FNWSU have determined the Section 9 AGS option provides the best ability to meet all the goals of Act 46/49. The electorate of Franklin, Highgate, Swanton, and Sheldon on November 7, 2017 in a duly warned Town meeting cast their votes to overwhelmingly approve the submission of an AGS proposal to the SBE.

Acting Secretary Bouchey has crossed the Constitutional line, with the statements "Merger is not impossible, or impracticable because of community opposition. The law dose not contemplate a departure from this goal based on community sentiment." I take extreme exception to a lawful vote by the electorate being dismissed as "community sentiment" which sets an unacceptable precedent.

All elected members of the Legislature took the oath of office which includes; "You do solemnly swear, you will not propose or assent to any bill, vote, or resolution which shall appear to you injurious to the people, under the pains and penalties of perjury. SO HELP ME GOD

Indisputable evidence has been provided that a forced merger will financially harm three of our four FNWSU school districts, will not improve educational outcomes, will impede our ability to meet all the goals of Act 46, and is not "practicable"

This AGS process is in violation of Act 49 that the SBE "shall not by rule or otherwise impose more stringent requirements than those in this Act." One of many glaring examples being the timing and decentralized location of today's meeting. We must now give serious consideration to legal alternatives to protect our local schools. Our time would be better spent organizing the 88 school districts subject to a forced merger, pool our resourses, and get on with it, rather than continue wasting our efforts on deaf ears.

Jay E. Denault

1882 Riley Road  
Franklin Vt. 05457

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Written Statement;  
July 18, 2018

Despite repeated statements to the contrary the camouflaged intent of Act 46 is to consolidate and close Vermont's small schools. The subterfuge deliberately created by this legislation displays cowardice by delegating that which the Legislature refuses to take responsibility for, to the new consolidated school boards.

Ironically, in an email from then Lieutenant governor Phil Scott dated September 15, 2016 he states for the record, "Franklin is an example of where the existing provisions in Act 46 do not always work the way lawmakers intended them to. Act 46 consolidation does not work when educational outcomes are worsened and when per pupil costs rise. Act 46 needs to be reformed so that districts are given the flexibility to remain autonomous, and retain control, and so that education remains local."

Secretary of Education Heather Bouchey's version of the Statewide plan, reveals a distinguishable sense of arrogance that jumps off its pages, that must be addressed without delay.

As required by Act 46/49 the members of the FNWSU have determined the Sec. 9 AGS option provides the best ability to meet all the goals of Act 46/49. The electorate of Franklin, Highgate, Swanton, and Sheldon on November 7, 2017 officially cast their votes on the following article; "Should the Franklin Town School District with other members of the Franklin Northwest Supervisory Union propose to the Vermont State Board of Education to enhance the current operation of the Franklin, Highgate, M.V.U., Sheldon, and Swanton School Boards, which is an enhanced Alternative Governance Structure as defined in the Act 46/49 law." This Article was overwhelmingly approved.

In addition, in compliance with the requirements of Act 49 on November 7, 2017 the Franklin electorate unanimously approved a second article which reads as follows; "Shall the Franklin School District be deemed an "existing district" for the purposes of Act 46/49 (the school district merger law) given our geographic isolation, thereby qualifying for an exemption from the requirements of Act 46/49, and the Statewide Plan." Franklin's geographic isolation was clearly established as required by Sec. 21 of Act 153, in a report dated April 1, 2011. The Secretary of Education at that time described a detailed methodology for determining geographic isolation which took into consideration a student's age, driving times based school buses, not personal automobiles, proximity to major state routes rather than secondary roads, inhospitable travel routes, and actual seat time on a school bus. This in sharp contrast to the current SBE's arbitrary fifteen mile requirement school to school intended to disqualify geographic isolation. Therefore, Franklin was determined to be "geographically isolated" before the Act 49 specified date of March 7, 2017, with no legal action being taken to change this status as of that date. As a result on November 7, 2017 the Franklin electorate by affirmative vote approved for purposes of Act 46/49 "existing district status" in compliance with the Act 49 specified date of November 30, 2017. Acting Secretary Bouchey's Statewide Plan fails to acknowledge this legally binding action taken by the Franklin electorate.

Acting Secretary Bouchey has egregiously crossed the Constitutional line, with the statements "Merger is not impossible or impracticable because of community opposition. The law does not contemplate a departure from this goal based on community sentiment" I take extreme exception to a lawful vote by the electorate being dismissed as "community sentiment" which sets an unacceptable precedent. In fact, pre-existing law does not "contemplate" ignoring a legal vote by the electorate!

All elected members of the legislature took the following oath of office; "You do solemnly swear or affirm that as a member of this assembly you will not propose or assent to any bill, vote or resolution which shall appear to you injurious to the people, nor do or consent to any act or thing whatever that shall have a tendency to lessen or abridge their rights and privileges as declared by the Constitution of this State but will in all things conduct yourself as a faithful, honest representative and guardian of the people according to the best of your judgment and ability, under the pains and penalties of perjury." SO HELP YOU GOD.