

State Board of Education's Unequal Treatment of Stowe

The State Board of Education, with help from the Agency of Education, has violated the due process and equal protection rights of the voters in Stowe, Morristown, and Elmore. The State Board of Education has conditionally approved the withdrawal of Readsboro, Westminster, and Ripton from their respective school districts while it has arbitrarily and capriciously determined that Stowe must remain merged forever in the Lamoille South Unified Union School District.

On May 11, 2021, the town of Stowe voted on whether to withdraw from the Lamoille South Unified Union School District. The vote of our townspeople overwhelmingly supported a withdrawal: 1,068 voted yes and 464 no. Our vote was certified by the Secretary of State's office. On December 7, 2021, Morristown and Elmore ratified Stowe's vote (Morristown 998 yes, 751 no; Elmore 225 yes, 114 no). According to the State Board of Education, these votes don't count or matter.

For context, it's important to recall the Stowe and Elmore-Morristown school boards' deliberations on whether to merge during the enactment of Act 46. At no time before or during the enactment of Act 46 were towns ever informed that "if you wait until you are forcibly merged, you will lose your option to withdraw and will forever be merged."

The school boards of Stowe and Elmore-Morristown, along with other school boards in Vermont, were presented with carrots (tax incentives) to entice them to voluntarily merge. Stowe's school board, together with Elmore-Morristown's school board, weighed whether to merge to receive those carrots, but we decided against it and chose to pursue Act 46's Alternative Governance Structure option. As the Agency of Education worked to cajole towns to merge, there was never even a whisper that there would be dire consequences to those towns who chose to pursue an Alternative Governance Structure.

A forever merger was never discussed, much less conveyed to the public, by lawmakers, the Governor, the Agency of Education, or the Board of Education.

Would the discussions and deliberations by our school boards been different if we had been notified that pursuing an Alternative Governance Structure could lead to a forever merger? Most definitely.

After our Alternative Governance Structure proposal was denied, on February 26, 2019, Stowe, Morristown and Elmore voted to form the Lamoille South Unified Union School District and adopt Articles of Agreement, as drafted and approved by the State Agency of Education and Board of Education. The Articles of Agreement include a provision that permits a town to withdraw after two years of a merger. Yet, now the state agencies claim that this withdrawal provision doesn't matter (as if the provision doesn't exist). It's sleight of hand and Doublespeak by these state actors.

The Board of Education's decisions on which towns can and cannot withdraw have shifted with the wind. First, only towns in voluntary merged school districts can withdraw (Readsboro, Ripton). Then, only towns in forced merged union school districts can withdraw (Westminster). With respect to Stowe, which is in a forced merged unified union school district, the State Board of Education has determined that Stowe cannot withdraw.

The decision to permit a town to withdraw from a forced merged union school district and not a forced merged unified union school district makes no sense. Recently, the town of Lincoln voted to withdraw from Mt. Abraham Unified Union school district, a voluntary merged unified union school district. Will the State Board of Education now decide that the voluntary versus forced merger distinction only applies to unified union school districts, not union school districts?

We haven't been treated fairly. We haven't received equal protection. We've been on the receiving end of arbitrary and capricious actions by the State Board of Education and Agency of Education. They have run amok. It's a sad day in Vermont — a travesty of justice — when towns have to get a court order to compel state agencies to treat towns equally and fairly.

When Act 46 was passed, the Governor and many legislators assured our state's citizens that there would be "off ramps" to Act 46 mergers. When the Agency of Education created its statutorily required Articles of Agreement, used for all mergers, it included a withdrawal provision. Yet, to prevent Stowe's withdrawal, unelected officials are unilaterally interpreting the law in ways that are clearly inconsistent with legislative intent and Constitutional due process and equal protection. These unelected officials are trying to void elections by suppressing votes through governmental overreach. Every Vermont resident should be concerned when state governmental agencies and boards act in such a unilateral, arbitrary and capricious manner. We ask that you stand together with us to ensure that the State Board of Education and Agency of Education respect and abide by the democratic process.

Richard Bland, Jim Brochhausen & Leigh Pelletier

Former Stowe School Board Directors