

THE Deerfield Valley News

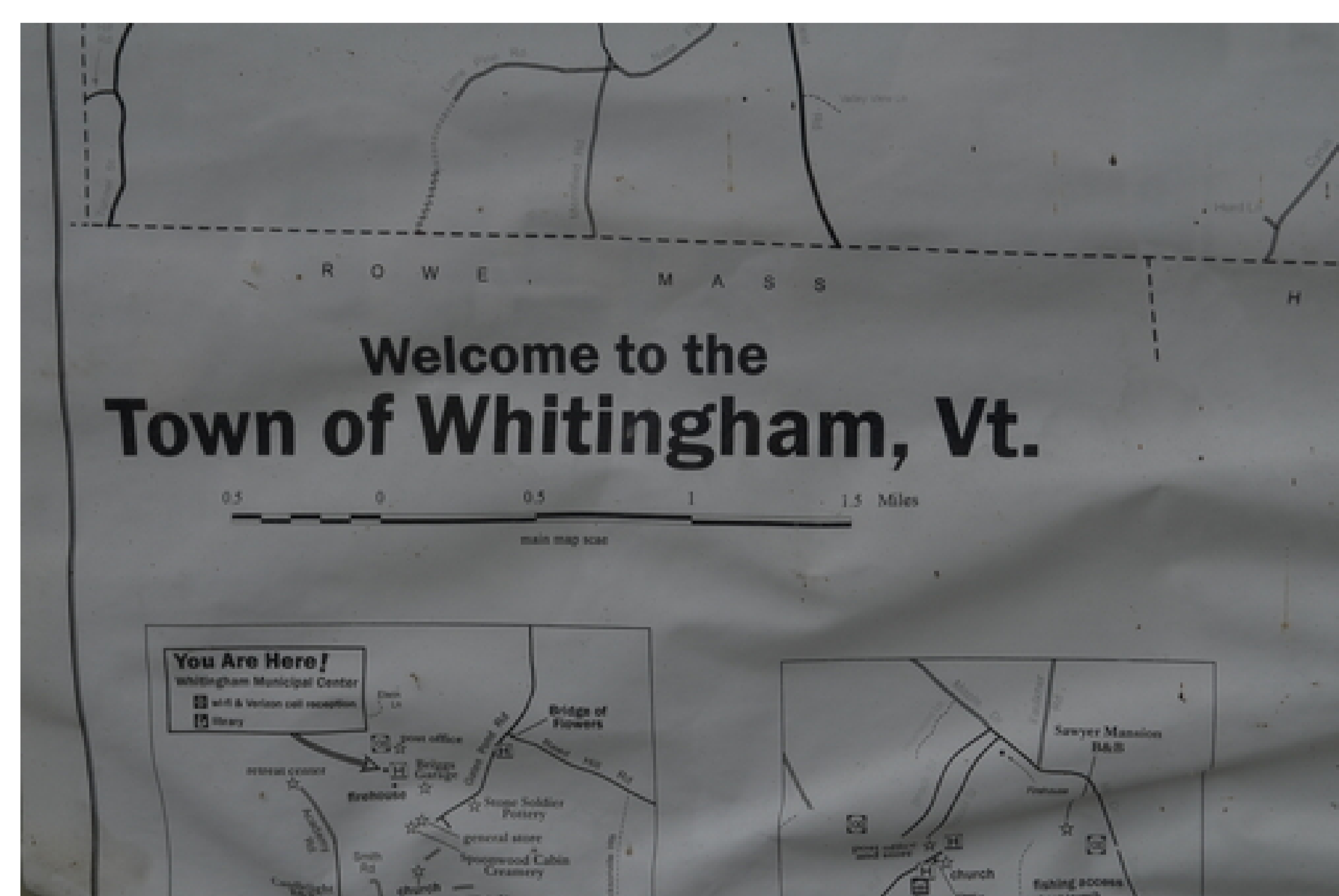
Southern VT's Independent Newspaper

Wednesday, February 8, 2023

HOME COVID-19 NEWS SPORTS OPINION BUSINESS LEISURE FEATURES OBITUARIES CLASSIFIEDS

Supreme Court ignored systemic disparities in education lawsuit, say attorneys

Thu, 04/14/2022 - 3:00pm Mike Eldred



By Tyler Lederer

WHITINGHAM - At the Whitingham Selectboard's regular meeting on Wednesday, April 6, attorneys Adam Waite and James Valente met with the board to discuss the Vermont Supreme Court's ruling in the town's education funding lawsuit.

The lawsuit was filed by Valente on behalf of the town of Whitingham, Whitingham student Sadie Boyd, and Whitingham taxpayer Madeline Klein. It argued that the education funding and education tax systems were unconstitutional, depriving Boyd and Twin Valley students of educational opportunities and unfairly penalizing Klein and the town in taxes.

In March, the Supreme Court decided to uphold the Windham Superior Court's July 2021 ruling, which argued that the plaintiffs provided insufficient evidence for their claims. At the Whitingham Selectboard meeting, Valente said that the Supreme Court had failed to look at the matter systemically.

"What the Supreme Court elected to do was ignore our challenge as to whether or not the system was unfair for everybody and just focus on Whitingham," he said, "and examine the case in the most narrow way you can to find a reason to say that we can't show if the funding system had been changed, Whitingham students would be better off."

The case hinged on the plaintiffs not saying what the Whitingham School District would do if it had more funding, a "frustrating fulcrum for them to use," said Valente. "We were asking the court to reject the system because it was unfair to everybody. If they do that, there's no way to know what funding Whitingham might have under a new system that was fairer."

Valente apologized for the effort being unsuccessful and said he felt frustrated. However, he noted the alternative would be the court deciding the system was fair, which "would have set things back."

Waite suspected that recent attempts by the Legislature to correct the education system might have affected the decision. "That's not something that the court would come out and say it took into consideration but they're only human," he said. "You can only imagine that it's something that they were aware of and might have had some influence on their decision."

Valente said there is no further place to take the lawsuit. Since it concerns Vermont's Constitution, they cannot take it to the US Supreme Court. Nonetheless, board members Greg Brown and James Weber thanked the attorneys for bringing attention to the matter.

"Reporters were reaching out to Gig (Zboray, selectboard office administrator) from the Burlington area, asking for a statement. That's pretty powerful. I think that that brought a lot of attention to the matter," said Weber.

Valente said that working with the courts was like "building a house," noting that a case in 2006 created a framework for the issue. "If anybody looks back at our case, they're going to see our arguments and they're going to see the statistics that we cited. Disparity was here in 2020. Maybe that will do it."

In other business, the Vermont Geological Survey recommended the town not cut any trees around the Whitingham sewer plant until a geological surveyor could visit the area, which was supposed to happen Monday. Zboray told the board she received an email from the US Army Corp of Engineers saying they may need a permit. She said the town already has a Vermont Shoreland Protection permit to cut 1,000 square feet. The board mulled over declaring a 1272 order, an emergency order that would speed up the permitting process.

At a special meeting Monday, the Whitingham Selectboard accepted a bid from A&S Logging for \$8,400 to begin the tree cutting project Monday, April 18. According to the meeting minutes, the board told representatives from the company that "any issues with the state permit or lack thereof is on us."

Capping off a discussion started in March, Weber recommended changing the Social Service Appropriation Policy so that organizations that would like funding from the town would only need 10 signatures, instead of the standard 5% of the voters. Zboray estimated that amount to be around 46.

"My concern is the idea that somebody literally could not even come to the town of Whitingham and could get funding," Weber said. "I don't think that's fair at all."

Board member Chris Walling strongly disagreed. "What the hell is 10 signatures? What's 46 other than time? They're going to vote for it, they're going to vote for it. They don't want to vote for it, they're not going to vote for it."

Walling said he used to send a representative from Twin Valley Youth Sports, of which he is the president, to Town Meetings but does not now because the TVYS board members work during the day. He said if an organization has received funding before, simply writing a letter to the town to get on the Town Meeting warning is due diligence. If they haven't, he approves of requiring them to collect 46 signatures.

The board ultimately approved a motion, three to two, which requires organizations that want repeat funding from Whitingham to submit a written request to the selectboard by December 15. If they miss that deadline, they would need to collect the full amount of signatures. Board members Craig Hammer and Weber were opposed.

The board declared itself the ARPA committee, tasked with generating ideas for and allocating ARPA funds. They decided against forming a separate committee on the basis that it will complicate their use of a relatively small amount of money.

"I'm not trying to make light that \$356,000 is chump change," said Brown. "But in this day and age, it kind of is. We can't even begin to take care of half of what we've got going on. This is just noise in the bottom of the pail."

In a post on Front Porch Forum, published Friday, Zboray asked residents to submit "suggestions for projects or other uses of the ARPA funds designated to the town" to the board at gig@whitinghamvt.org.

The board approved a motion to accept ARPA funds it receives as "revenue replacement," essentially as funds making up for lost revenue, which they believe will loosen restrictions on how they can use the money. The decision was based on a recommendation by the Vermont League of Cities and Towns.

The Whitingham Selectboard meets every other Wednesday at 6:30 pm at the Whitingham Municipal Center in Jacksonville. Their next meeting is on Wednesday, April 20.

Recent Posts

FEBRUARY 2, 2023
Bankruptcy punctuates Barnes' mixed...

FEBRUARY 2, 2023
At last, Chinese food in the Deerfield...

FEBRUARY 2, 2023
Protect your pet's teeth

FEBRUARY 2, 2023
Thank you for making our raffle a...

FEBRUARY 2, 2023
There is no voice of the people in VT...

Section: NEWS

Tags: WHITINGHAM

- SELECTBOARD
- LAWSUIT
- EDUCATION
- FUNDING
- KLEIN
- SADIE BOYD
- TWIN VALLEY
- SUPREME COURT
- VALENTE
- WAITE

The Deerfield Valley News

797 VT Route 100 North
Wilmington, VT 05363
Phone: 802-464-3388
Fax: 802-464-7255

Site Links

- o Home
- o COVID-19
- o News
- o Sports
- o Opinion
- o Business
- o Leisure
- o Features
- o Obituaries
- o Classifieds

