Dear Members of the State Board of Education,

The Windham School Board would like to thank Chair Krista Huling and Board members for the opportunity to testify before you on Sept. 19th at your meeting in Chester. Chair Huling invited us to submit any additional testimony and updates that we thought relevant and we would like to take this opportunity to do that. We would also like to give clarifying information in regards to questions that were asked of us by Board members. This second version is in response to some follow up questions from Oliver Olsen on two specific points that we are happy to try to clarify. You will find them highlighted in 3) Geographic Isolation and a new section 9) Debt Disparity.

We feel that our presentation on September 19th along with our Act 46, Section 9 proposal delivered to the Agency of Education on December 22, 2017 makes it abundantly clear why the State Board should grant approval of our proposal. On September 10, the Windham School Board voted to join the legal appeal against the State, though we remain hopeful that this will not be necessary. On October 1, the Windham School Board voted to warn two articles for a vote on November 6, 2018. One authorizes the Windham School Board to sell the Windham Elementary School building, associated land, and all associated personal property, including the school bus, to the Town of Windham. The other authorizes the Windham School Board to close the Windham Elementary School effective June 30, 2019 and to provide for the elementary education of the District’s students by paying tuition. It should be stated and emphasized that this is not our preferred path but one that we feel we need to follow for the health, safety, and educational quality of our students due to our geographic isolation. If the Windham School Board is granted this authority by the voters, we want to be clear that we will only act upon it if we are forcibly merged with the West River Modified Union Education District by the SBE.

In your consideration of our proposal, we believe the following new and summative information is most crucial and we thank you for your attention to it.

1) **Goals of the Law**

Our proposal has demonstrated that with independent governance structure, we meet and potentially exceed the Five Goals of Act 46. We meet the educational goals as evidenced by our standardized test rankings. Regarding fiscal goals, historically our per-pupil spending has been lower than many of the other schools in the WCSU despite being the smallest school in the SU. For FY2019, our per-pupil spending increased significantly, not as a result of increased spending on our part (our budget went up 2.2% due in part because of our bus purchase), but rather because of changes in calculations on the State level. Despite that, we were still almost at par and significantly lower than our two nearest neighbors. We anticipate increased enrollment in the next few years and with that a decrease in per-pupil spending. It should also be noted that the residential and non-residential taxpayers of the Town of Windham send significantly more money to the Education Fund than we use for the education of our students. Every year at Town Meeting we hear from one particular resident who tells us that we have sent $1.2 – 1.5 million to the Education Fund and only use $700,000 – 800,000 to educate Windham students. In other words, we are doing our part and then some regarding education in the State of Vermont.

2) **Consent**

We believe that democratic processes matter, and that our town's legally binding vote against this merger should stand. While the State may or may not have the legal authority to dictate an involuntary merger, we do not believe it is in the best interest of democracy. Without consent and consensus, public trust is eroded. Furthermore the AOE’s position that our “no” vote represents “community sentiment,” while holding that the same vote, same ballot, on the same day must be respected in towns where “yes” prevailed, directly undermines the legitimacy of a democratic voting process altogether and appears to violate equal protection. As we said in our September 19th presentation, to ignore our vote makes a mockery of democracy.

After voting against the preferred merger in our area, the Windham School Board voted in favor of forming our own Local Act 46 Study Committee and pursuing the development of a Section 9 Alternative Governance Structure Proposal. We, along with several committed community members, held many public meetings and conducted a survey that informed our proposal development process. The survey indicated strong (77-84%) support for maintaining our local, community-based Windham School Board, our own budget, and the transparency, accountability, and control that this provided. Strong support was also indicated for keeping the quality of education high, keeping decision-making about our school at the town/local level, and keeping the K-6th grade students attending Windham School close to home. The Alternative Governance Structure Proposal and the process it entails has been and continues to be strong.

At the September 27, 2017 meeting of the WCSU Board and Executive Committee Meeting, the Supervisory Union members voted in support of Windham Elementary School “in what path they may choose”. On Dec. 4, 2017, Superintendent Bill Anton wrote a letter attesting to the fact that “The Board is always prepared, collaborative, and efficient. I would consider the board to be greatly functional in addressing the business of the school district. Members of the public attend the board meetings consistently. The public is always treated with the greatest respect and their input is valued. As a Superintendent with multiple school districts, and multiple school district board meetings, I appreciate Windham School District Board efficient use of time.”

**3) Geographic Isolation**

This year, 9.4% of Windham Elementary School students live more than 15 miles away from nearest school with capacity, qualifying us for Geographic Isolation status under the 2018 Small Schools Grants metrics. We were determined to be geographically isolated in past reports (2011 report fulfilling Act 153).

Distance and road conditions were downplayed by the AOE, but are a real concern for elementary-age children especially given the fact that Windham is separated from all of the other schools in the district by a road designated as a “High-Risk Rural Road”. We understand that a couple of SBE members traveled to Windham to witness Windham Hill Road first-hand and enjoyed their selfie forwarded to us by Margaret MacLean. We sincerely appreciate their effort but wish that we could have hosted you all so that we could give you a first-hand running commentary on where one bus driver found herself going down the hill sideways on black ice in a full size school bus; where the moving truck lost its brakes and went careening through Ms. Coughlin’s yard at the bottom of the hill, crossing Route 30, nearly crashing into the West Townshend Country Store, and spilling its contents across the road and the church parking lot; and where countless people have been witnessed sliding out into Route 30, sometimes being lucky to not have cross-traffic, sometimes not.

The fact that Windham Hill Road has no shoulders makes transportation of small children particularly dangerous. We think that we can all agree that middle and high school students are much more capable of handling themselves in an emergency. The thought of having to evacuate a school bus full of elementary school students on that hill gives the Windham bus drivers, past and present, a strong feeling of dread. We ask that you review the section in our AGS Proposal entitled “Additional Considerations Regarding Geographic Isolation” and the Reports from Kord Scott, Windham School bus driver and former Windham Road Commissioner in Appendix A, Section 4. Dismissing the challenges and responsibilities of transporting young children down that hill is irresponsible and usually done by someone who is not a school bus driver, is driving a four-wheel drive car or truck, and/or can drive the hill at will.

We would like to clarify a question that was posed by Oliver Olsen regarding busing. He asked about elementary school students who live on Windham Hill in Jamaica and Townshend. While the Windham school bus transports high school students from Jamaica and Townshend to Leland and Gray High School, we do not transport elementary students. They are transported to the bottom of the hill by their parents in their own vehicles.

We would also like to clarify and correct the record in regard to another question posed by Mr. Olsen. He stated that he had heard from someone at a bus stop that 40% of Windham students are home-schooled. This seemed like a ridiculously high number and, in fact, after checking with Superintendent Bill Anton it was determined that according to WCSU records, one student is being home-schooled, which amounts to 4.7% of our student population. Home-schooling is chosen by parents for a number of reasons and it is not our place to judge their decisions. It should be pointed out, however, that over the years many students who have been home-schooled, including the current one, have come to the Windham School to participate in activities such as art, music, and sports and they are always welcomed. In fact, we have recently been approached by the parents of two students currently being home-schooled in a neighboring town to include them in our school population next year.

Oliver emailed to clarify that he had a question having to do with survey results, not what had been said by a former Windham parent at a bus stop. Others who were with me that day were also confused and so we thank him for the clarification. In answer to his question, we would point out that Question 13 asked “Which of the following best describes you?” Eight respondents chose “Currently have children in pre-K – 12 in Windham, planning to use public high school” and five respondents chose “Currently have children in pre-K – 12 but send them elsewhere for school or home school”. Using those numbers, Oliver drew the conclusion that nearly 40% of Windham students were sent somewhere else or were home-schooled and was curious as to why.

Perhaps the first option was not totally well-worded and there were three respondents who didn’t answer the question so it’s hard to tell which parents responded and which didn’t – clearly not all did. The two questions are different. The first question was intended to ask, of the children attending Windham Elementary School, who would be attending public high school. The second was asking who was being home-schooled or sent elsewhere for school including elementary, middle, and high school.

The survey was done in the spring/summer of 2017 and we did not ask respondents to sign the surveys so we don’t know exactly who responded. Based on what we know through communication with the WCSU, we can say the following: This year, we have two students (8th and 11th grade) being home-schooled, we believe for religious reasons, who would be at Leland and Gray. We have another 8th grader who attended Leland and Gray last year being home-schooled because the parents were not satisfied with the situation there. A family recently moved away from Windham that sent their children to the private school at which they worked. We believe those children are in middle/high school. We currently have one student who is being home-schooled who would be at Windham Elementary – a sibling is attending Windham Elementary – and that student sometimes comes to Windham for music, sports, and art programs.

To the best of our knowledge, given what we understand from the WCSU, the figure of 4.7% is accurate for Windham Elementary School. In order to include the middle/high school students, we would have to do additional research but the point of our presentation to you was for the purposes of Windham Elementary School only.

4) **Immediate Harm by Merger**

Our proposal has demonstrated that an independent Windham School District meets Act 46 goals better than if involuntarily merged into the WRMUED. Due to our geographic isolation, we can see no educational benefits. Travel time and road conditions prohibit interaction with other schools to any degree more than we already interact. In terms of fiscal benefits, we believe, and it has been acknowledged by our superintendent, that costs will probably go up, not down, as a result of merger and increased programming.

It is unclear if we are forcibly merged what would happen to our Pre-K arrangement. In the past we have hired a Pre-K teacher and conducted the program at the school. Our current arrangement allows for parents to choose a Pre-K of their choice, most of which are in the Weston and Londonderry area. The children generally attend full-time and we reimburse for the required 10 hours per week. This allows for a seamless program for the children, and parents can go to work knowing that their children are being well-cared for. It is also the most cost-effective way for us to provide Pre-K education and is an indication of our nimbleness. Contrary to the comment made in the Interim Acting Secretary’s Plan in Footnote 52, transporting children to the Pre-K education centers in Londonderry and Weston does not require a trip down Windham Hill Road, but one down Rt. 121, which can be daunting but not as dangerous as Windham Hill Road and is made at will by parents in their own vehicles. We value the experiences our Pre-K students have because as we all know, early childhood education and interventions have a positive educational impact which increases socialization and kindergarten readiness, reducing the need for Special Education Services in later grades, ultimately bringing a positive financial impact.

5) **Enmity and Anticipated Harm by Merger**

As part of the Windham Central Supervisory Union, we have enjoyed many years of working cooperatively with our neighboring towns. We participated in the WCSU Act 46 Study Committee and asked for three provisions to be included in the Articles of Agreement. The first was that only the voters of a town could close a school. This was included. The second was that, given our geographic isolation, there be some language guaranteeing at least the level of transportation services we currently provide. This is critical to the students of the Windham School District. We are the only mountain town in the district and we are the only town that owns its own school bus and hires our own driver. The Windham School Board carefully plans its bus route, usually in August, taking into account any changes in student population and special needs. There is no mandate in the State of Vermont to provide transportation to school and without some sort of guarantee and only one member on an eleven-member board, the thought of losing transportation for our students is very concerning. We were able to get some language included regarding transportation but not to the degree we would have liked. The third provision would have required a unanimous vote on the part of the WRMUED Board on any budget. This would have provided a modicum of control for Windham but we were essentially scoffed at and dismissed – there was not even a thoughtful discussion allowed regarding the proposal.

As the result of our vote in opposition to the merger, there seems to have developed enmity on the part of some of our WCSU colleagues. An example of this was evidenced at a recent WRMUED Board meeting during the discussion regarding the motion to send sixth-graders to Leland and Gray Union High School. A Windham resident spoke (as you know, Windham is part of the WRMUED for the purposes of 7-12 grades) but was challenged by a Townshend resident who said that people from Windham didn’t have a right to speak.

To achieve a successful merger, there must be mutual respect, understanding, and civility, which does not appear to be the case. During the Act 46 Study Committee process, ideas for cooperation were suggested and discussed. It became clear that while people were happy to have Windham elementary students bused down Windham Hill, they were not interested in sending their students up the hill. This sentiment was indicated on a number of occasions in conversation with other members and was borne out when one of our seventh-graders celebrated her 13th birthday. Parents of other students refused to transport their children to her house and her parents ended up providing a “shuttle service” to and from the party. One parent whose schedule was not served by the shuttle timing came to pick up her child and asked if there was some way other than Windham Hill to return home.

The individual attention that is afforded by Windham Elementary School has allowed three or four students in recent memory to come into the school with a special education label and leave without it. The value of that to the students is somewhat hard to estimate but there is a clear benefit to the future fiscal health of the district. Students, in general, benefit from shared learning amongst each other and those that struggle a little can proceed at their own pace without fear of stigma. At the same time, those that excel are encouraged to move ahead with additional materials. We recently had a student who was doing math at seventh- and eighth-grade levels, which was encouraged and aided by Teaching Principal Mickey Parker-Jennings.

Our district prioritizes the educational benefits and support system, especially for the most disadvantaged, afforded by a community elementary school, without sacrificing access to the benefits afforded by membership in the WCSU.

6) **Property**

Act 46 provides no guidance on the conveyance of property in an involuntary merger, which may violate the substantive due process of Windham taxpayers. If we do not agree to a merger, our property cannot be taken from us without fair market value compensation. As mentioned above, we have warned a vote for Nov. 6, 2018 that authorizes the Windham School Board to sell the Windham Elementary School building, associated land, and all associated personal property, including the school bus, to the Town of Windham. There is strong support for this action and outrage on the parts of many Windham citizens that our school, land, etc. could be taken by the WRMUED even after we voted against merger.

8) **Recent ‘Pre-approval’ Vote Attempt Represents Bad Faith Efforts**  
At the Monday, September 17, 2018 West River MUED meeting, an item on the agenda called for a “Windham Vote, if State Board Requests acceptance.” This agenda item was included without letting the Windham Elementary School Board know. A similar situation occurred in the Towns of Huntington and Barnard but the effort was derailed when the Town of Huntington obtained an opinion from Attorney Paul Gillies that such an action was not appropriate and had constitutional issues. Suffice it to say that this attempt to “pre-approve” or “pre-absorb” in three separate towns indicates that these efforts have been coordinated. In Barnard’s case, the Chair stated that the MUUSD’s lawyer believed that this vote would demonstrate “good will”, however, that view was not shared by many in Barnard. In Windham’s case, the motion was tabled as a result of the Gillies document and was viewed by the Windham Elementary School Board as a bad faith effort.

9) **Debt Disparity**

We fully understand that we are responsible for our share of the Leland and Gray debt. Our concern is more in regards to NewBrook’s debt, which is currently at $264,000.

Our task in complying with Act 46 is to find the governance structure that best meets the Five Goals enumerated in the law. Our proposal has done that and we ask you to grant our Alternative Governance Structure request.

Thank you,

Carolyn Partridge, Chair, Windham Elementary School Board

Howard Ires, Windham 7-12 Representative, West River MUED Board