

VERMONT'S TRADITION OF EDUCATION AND THE VERMONT CONSTITUTION

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“Advanced education is a New England tradition.”¹

George D. Aiken, Governor of Vermont (1937–1941), U.S. Senator (1941–1975)

“[Education] is the one thing which we cannot afford to curtail.”²

Calvin Coolidge, Thirtieth President of the United States and native Vermonter

I. INTRODUCTION

Over the past year, Vermont education has been featured prominently in national news media.³ In rankings released in November 2005, Vermont was crowned the nation’s “smartest state” by Morgan Quitno Press, an independent private research and publishing company.⁴ The state’s top ranking was derived from a formula based not only on public school spending, but also on an array of student achievement statistics.⁵ Evidently, not only have

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¹ GEORGE D. AIKEN, SPEAKING FROM VERMONT 147 (1938).

² THE QUOTABLE CALVIN COOLIDGE: SENSIBLE WORDS FOR A NEW CENTURY 63 (Peter Hannaford ed., 2001). Coolidge made this remark in a September 1, 1930 newspaper column. *Id.*

³ See Netscape News with CNN, States Ranked: Smart to Dumb, <http://cnn.netscape.cnn.com/news/package.jsp?name=fte/smartstates/smartstates&floc=wn-np> (last visited Mar. 20, 2006); *Vermont, the Smart State*, VT. LIFE, Spring 2006, at 7; see also *N.E. States Rated High in School Quality*, BOSTON GLOBE, Sept. 30, 2002, at B2 (reporting that Vermont was ranked second “smartest state” for the year 2002); Michael Janofsky, *College Leaders’ Earnings Top \$1 Million*, N.Y. TIMES, Nov. 14, 2005, at A14 (reporting that John M. McCardell, Jr., of Middlebury College in Middlebury, Vermont, was one of five private university presidents nationwide to earn a compensation package in excess of \$1 million during 2003–2004).

⁴ According to its website, Morgan Quitno Press “has provided state and city statistics and rankings in an easy-to-understand format [since 1989]. Used and appreciated by libraries, media outlets, government agencies and researchers of all types, [its] books and annual awards are found in all 50 states and throughout the world.” Morgan Quitno Press, <http://www.morganquitno.com/index.htm> (last visited Mar. 20, 2006).

⁵ See Smartest State 2005–2006, Results of the 2005 Smartest State Award,

Vermonters made a strong commitment of their tax dollars to funding public schools, but their students achieve results in the classroom.

Even a cursory survey of Vermont history reveals that the people of Vermont have always valued the importance of a good education. The earliest colonists to Vermont taught their children reading and arithmetic in the home.⁶ As population increased in the state, every town set aside land for a primary school.⁷ In fact, Vermont's original Constitution of 1777 required the legislature to establish a school in each town.⁸ But not only did Vermonters make education universally available, they also emphasized quality of instruction. At these first schools, which were funded by local taxes and voluntary tuitions,⁹ it was not uncommon for the town's "better qualified" to "take turns in teaching with little or no compensation."¹⁰ Rural school teachers, equipped with "crude one-room buildings" and "a handful of books" poured heart and soul into teaching Vermont's youth.¹¹ In fact, it was a Vermonter who turned teaching into a "scientifically trained profession."¹² In Concord Corner, education pioneer Reverend Samuel Read Hall established the first normal school in the United States in 1823.¹³ At this school, Hall introduced the blackboard into the classroom, where it was first used as an everyday teaching tool.¹⁴ In addition to these noteworthy achievements in elementary education, early Vermonters were focused on and passionate about providing advanced education.¹⁵ They quickly opened two institutions for higher education: the University of Vermont in 1791 and Middlebury College in 1800.¹⁶

<http://www.morganquitno.com/edrank05.htm#METHODOLOGY> (last visited Mar. 20, 2006).

⁶ WORKS PROGRESS ADMIN. FOR THE STATE OF VT., VERMONT: A GUIDE TO THE GREEN MOUNTAIN STATE 53 (1937) [hereinafter WORKS PROGRESS ADMIN.].

⁷ EDMUND FULLER, VERMONT: A HISTORY OF THE GREEN MOUNTAIN STATE 129 (1952). On December 23, 1761, Guilford became the first Vermont town to set aside land for a school. WORKS PROGRESS ADMIN., *supra* note 6, at 53.

⁸ VT. CONST. of 1777, ch. II, § 40.

⁹ WORKS PROGRESS ADMIN., *supra* note 6, at 54.

¹⁰ HIEL HOLLISTER, PAWLET FOR ONE HUNDRED YEARS 65 (Edward L. Clark ed., Pawlett Historical Society 1976) (1867).

¹¹ *See* WORKS PROGRESS ADMIN., *supra* note 6, at 54.

¹² *Id.*

¹³ *Id.* at 55. A normal school, now an obsolete term, is an institution for training elementary school teachers. WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 1540 (1993).

¹⁴ WORKS PROGRESS ADMIN., *supra* note 6, at 55.

¹⁵ *See id.* at 55–57.

¹⁶ FULLER, *supra* note 7, at 130. It is likely that a university would have been established years earlier had it not been for Vermont's "adoption" of New Hampshire's Dartmouth College. WORKS PROGRESS ADMIN., *supra* note 6, at 53. When New Hampshire failed to

Vermont's most preeminent Americans have recognized the value of education—cherishing it in their personal lives and promoting it in their public lives. Governors of the state have been loyal to the cause of education in what may be called Vermont's executive educational tradition.¹⁷ In their inaugural addresses, chief executives from Isaac Tichenor in 1802, to Samuel Crafts in 1828, to Erastus Fairbanks in 1860 have extolled the "state's affirmative obligation to cultivate the essential attributes of citizenship through public education."¹⁸ Calvin Coolidge, thirtieth President of the United States and a native of Plymouth Notch, Vermont, devoted a significant portion of his *Autobiography* to his elementary and secondary schooling career.¹⁹ As a student at Black River Academy in Ludlow, Coolidge's teachers and classmates had such an impact that he later called it "one of the greatest events of my life."²⁰ Robert T. Stafford, who had an illustrious career in Vermont politics—serving as Governor, U.S. Congressman, and U.S. Senator—left a very important mark on education at the national level.²¹ He was instrumental in passing federal legislation providing for low-interest loans to American college students.²² Under the Stafford Loan plan, as it is now called, the Federal Government pays the interest on the loan while the student is enrolled in college if the student's family demonstrates financial need.²³

So why does Vermont possess such strong educational character, standing ahead of the rest? Vermont entered the Union in 1791 and her history is replete with educational triumphs. But it all began fourteen years earlier with Vermont's original constitution, adopted in 1777 at Windsor.²⁴ There, Vermont's founding fathers recognized

adequately fund Dartmouth, the Vermont General Assembly responded in 1785 by granting the College twenty-three thousand acres of land. *Id.* This grant makes Vermont "the only State ever to have come, as a State, to the relief of an educational institution outside its own borders." *Id.*

¹⁷ For discussion of the judicial educational tradition, see *infra* Part III.

¹⁸ *Brigham v. State*, 692 A.2d 384, 394 (Vt. 1997).

¹⁹ See CALVIN COOLIDGE, *THE AUTOBIOGRAPHY OF CALVIN COOLIDGE* 37–49 (1929).

²⁰ *Id.* at 31.

²¹ Biographical Directory of the United States Congress, Robert Theodore Stafford, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=S000776> (last visited Mar. 20, 2006). At his retirement, Senator Stafford was the ranking minority member of the Senate Education Subcommittee. See *Washington Talk: Education Aid; Quest for Solutions to Defaults on Student Loans*, N.Y. TIMES, June 8, 1988, at A26 [hereinafter *Education Aid*].

²² See *Education Aid*, *supra* note 21.

²³ 20 U.S.C. § 1078 (2006); 34 C.F.R. § 682.300 (2006); U.S. DEP'T OF EDUC., *THE STUDENT GUIDE: FINANCIAL AID FROM THE U.S. DEPARTMENT OF EDUCATION* 2, 8, 21 (2005), available at http://studentaid.ed.gov/students/attachments/siteresources/Stud_guide.pdf.

²⁴ See FULLER, *supra* note 7, at 120. Vermont existed as a Republic until it was admitted

the importance of education, consecrated these values in the state's founding document, and ensured that Vermont's public school system would continue to flourish over two hundred years later. This Perspective proudly shows why Vermont's strong educational tradition can be attributed to the Vermont Constitution.

II. THE EDUCATION CLAUSE OF THE VERMONT CONSTITUTION

A "bold and imaginative"²⁵ document, the Vermont Constitution of 1777 made Vermont the first state to constitutionally guarantee "a clearly articulated system of education beginning with primary schools and concluding with a university."²⁶ The state's original constitution called "for the convenient instruction of youth . . . [o]ne grammar school in each county, and one university in this State . . . established by direction of the General Assembly."²⁷ In 1786, a convention was held to rewrite the constitution, where the drafters combined the 1777 constitution's education clause with its "virtue and vice" clause to form chapter II, section 38 of the 1786 document: "Laws for the encouragement of virtue . . . ought to be constantly kept in force . . . and a competent number of schools ought to be maintained in each town for the convenient instruction of youth . . . and properly supported in each county in this State."²⁸

Following statehood in 1791, Vermont's current constitution was adopted in 1793.²⁹ The 1793 education clause, contained in section 68 of chapter II, closely resembled the 1786 provision. Over the past two hundred plus years, minor amendments were made to the education clause so that it now reads: "Laws for the encouragement of virtue and prevention of vice and immorality ought to be constantly kept in force, and duly executed; and 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."³⁰

A textual analysis of the Vermont Constitution is perhaps most

into the Union as the fourteenth state. *Id.*

²⁵ Thomas P. Salmon, *Foreword* to WILLIAM C. HILL, *THE VERMONT STATE CONSTITUTION: A REFERENCE GUIDE* (1992).

²⁶ WORKS PROGRESS ADMIN., *supra* note 6, at 53.

²⁷ VT. CONST. of 1777, ch. II, § 40.

²⁸ VT. CONST. of 1786, ch. II, § 38.

²⁹ HILL, *supra* note 25, at 11.

³⁰ VT. CONST. ch. II, § 68. The first sentence of section 68 (virtue and vice clause and education clause) is followed by a provision on religious activities: "All religious societies, or bodies of people that may be united . . . for the advancement of religion and learning . . . shall be encouraged and protected . . ." *Id.*

revealing of Vermont's reverence to education. To begin with, "[t]he fact that [the framers] chose, in [Vermont's] statement of first principles, to include a right to public education—particularly in light of the relative paucity of state-supported public schools in existence at the time—is remarkable."³¹ Education is, in fact, the only governmental service that has “ever been accorded constitutional status in Vermont.”³² Even more indicative of the special value the framers placed on education is that the education clause is contained in the same section and immediately follows the “virtue and vice” clause.³³ This syntactical marriage underscores how Vermonters view formal education: as a moral duty that the State owes her youth.³⁴ Having included this unique education provision in the constitution, the founding fathers engendered a judicial educational tradition in Vermont.

III. THE JUDICIAL EDUCATIONAL TRADITION

The constitution's stalwart provision for public education laid the foundation for the Vermont high court to consistently decide cases that would provide sufficient lands and facilities for schools, maintain productive schooling environments, and adequately finance schools across the state. In 1860, the Vermont Supreme Court was confronted with the constitutionality of “an act in relation to the location of school-houses.”³⁵ The act allowed local school districts to take land by eminent domain for the purpose of constructing a schoolhouse and yard.³⁶ The selectmen in the town of Newfane, acting under this law, located the town schoolhouse and schoolyard on a parcel of the plaintiff's land, and paid the plaintiff one hundred dollars for the taking.³⁷ Mr. Williams, the plaintiff, complained that the act was unconstitutional on the ground that the taking was not for a public use.³⁸ Justice Poland, writing for the

³¹ *Brigham v. State*, 692 A.2d 384, 391 (Vt. 1997).

³² *Id.* at 392.

³³ *See id.* at 393. Commentators who have suggested that Vermont's education clause is weak perhaps have overlooked its connection with the virtue and vice clause. *Cf.* Larry J. Obhof, *Rethinking Judicial Activism and Restraint in State School Finance Litigation*, 27 HARV. J.L. & PUB. POL'Y 569, 591 (2004) (maintaining that the education clause gives “very weak protection”).

³⁴ *See* John A. Nelson, *Adequacy in Education: An Analysis of the Constitutional Standard in Vermont*, 18 VT. L. REV. 7, 35–38 (1993) (discussing the link between virtue and education in Vermont).

³⁵ *Williams v. Sch. Dist. No. 6*, 33 Vt. 271, 271 (1860).

³⁶ *Id.* at 274.

³⁷ *Id.* at 271.

³⁸ *Id.* at 274.

court, proclaimed that public education “has always been understood to be one of the first and highest duties of the [state] government” and exalted the state’s support of education as “wise and beneficial.”³⁹ The court invoked the constitution’s education clause⁴⁰ and called support for public schools a “public necessity.”⁴¹ The court also pointed to the legislature’s “numberless acts . . . exhibiting the most active watchfulness and fostering care, for the cause of popular education.”⁴² Concluding that taking a private citizen’s land to build a school was a public use, the court upheld the Newfane school district’s taking.⁴³

The Vermont Supreme Court has recognized that “[o]ne of the chief ends of the government is, to provide means and facilities for developing and educating and training the young into virtuous and intelligent men and women.”⁴⁴ In a line of nineteenth century cases, the supreme court repeatedly supported local school boards in handing down firm discipline on disobedient students in order to maintain healthy, efficient, and productive learning environments. In 1859, the court upheld a school district’s expulsion of a student because of the student’s refusal to write compositions, a required element of the grammar curriculum.⁴⁵ The court wholeheartedly endorsed a full curriculum, aphorizing “[r]eading makes a full man, writing a correct man, and speaking a ready man.”⁴⁶

At a Burlington school, the teacher’s right to sternly discipline a student who has used “saucy and disrespectful language” to the teacher, even when the student committed the infraction at home, outside of school hours, was maintained in *Lander v. Seaver*.⁴⁷ The court was concerned generally with the “welfare of the school” and specifically with the potential undermining of the teacher’s authority; it was necessary to guard against misconduct that had a “direct and immediate tendency to injure the school . . . and to beget disorder and insubordination.”⁴⁸ Under these circumstances, the

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.* at 275.

⁴² *Id.*; see also Nelson, *supra* note 34, at 24–28 (discussing Vermont’s legislative educational tradition). The “numberless acts” are codified in title 16 of the Vermont Statutes Annotated. The Vermont Department of Education highlights some of these acts on its website. State of Vt., Dep’t of Educ., Laws & Regulations, <http://www.state.vt.us/educ/new/html/mainlaws.html> (last visited Mar. 20, 2006).

⁴³ *Williams*, 33 Vt. at 282.

⁴⁴ *Ferriter v. Tyler*, 48 Vt. 444, 466 (1876).

⁴⁵ *Guernsey v. Pitkin*, 32 Vt. 224, 227, 229 (1859).

⁴⁶ *Id.* at 229 (quoting Lord Bacon).

⁴⁷ 32 Vt. 114, 115, 120 (1859).

⁴⁸ *Id.* at 120–21. The Vermont Supreme Court specified that it is the “universal custom in

teacher possessed the ability to act in a “judicial capacity.”⁴⁹

Finally, in *Ferriter v. Tyler*, a Brattleboro school suspended students for the remainder of the term when the students refused to come to school and instead attended church services to observe a Catholic holy day, a day in which school was in session.⁵⁰ The school condemned the absences for “greatly interrupting” the operation of the school.⁵¹ The court was faced with a balancing of Vermont’s duty to provide public education, as espoused in the education clause, with the individual’s “rights of conscience.”⁵² The court emphasized the significance of the education clause and upheld the students’ suspensions.⁵³ Absences were only deemed acceptable in instances of sickness of the student, sickness or death of a family member, “some impediment, like fire or flood,” or “various incidents of current life.”⁵⁴

Of course, the rulings in these cases are illustrative of disciplinary norms in times past. However, they emphasize the value that the Vermont judiciary placed on education during the state’s first century of existence. And further, it cannot be denied that such cases are important in that the nineteenth century justices carved a path for Vermont schools to be positive and healthy schooling environments up to the present day. Indeed, the Vermont Supreme Court in 1990 continued to advocate efficient schooling in *State v. DeLaBruere*.⁵⁵ In that case, parents, against whom criminal charges were brought for failure to send their children to school, challenged the constitutionality of the Vermont compulsory education requirement.⁵⁶ Upholding the statute’s constitutionality, the court paid tribute to “[t]he overriding

our New England schools” to discipline certain offenses, including “[a]cts done to deface or injure the schoolroom,” use of foul language, or any other act that would “tend directly to impair the usefulness of the school, the welfare of the scholars and the authority of the master.” *Id.* at 121.

⁴⁹ *Id.* at 119.

⁵⁰ 48 Vt. 444, 457 (1876).

⁵¹ *Id.* at 456.

⁵² *Id.* at 467.

⁵³ *See id.* at 462–63, 466–68. Justice Barrett, writing for the court in *Ferriter*, also echoed numerous decisions of neighboring states, including Massachusetts and New York. *See id.* at 473–76. In particular, the court adopted the holding in the Massachusetts case of *Spiller v. Woburn*, 94 Mass. (12 Allen) 127 (1866). In *Spiller*, when a student refused to bow her head in prayer and read from the Bible at the start of the school day, and where her father refused to request a waiver for her participation as was the rule for non-participation, the Massachusetts Supreme Judicial Court found that a suspension was justifiable. *Ferriter*, 48 Vt. at 475 (citing *Spiller*, 94 Mass. (12 Allen) at 128, 130).

⁵⁴ *Ferriter*, 48 Vt. at 477.

⁵⁵ 577 A.2d 254 (Vt. 1990).

⁵⁶ *Id.* at 256.

importance of education in Vermont [which] has never been in doubt.”⁵⁷

Some may attribute the outcome in the earlier *Ferriter* case to Vermont’s deep Protestant heritage. Such a viewpoint, however, is not supportable, the court being truly concerned with the educational cause. In the 1968 case of *Vermont Educational Buildings Financing Agency v. Mann*, the court was confronted with the constitutionality of a statute providing for state financing of private nonprofit educational institutions.⁵⁸ In particular, Bennington College, a then all women liberal arts college, and the College of St. Joseph, a then all women Catholic college in Rutland, had applied to the Educational Buildings Financing Agency for funds to build science buildings and classroom facilities.⁵⁹ One issue in the case was whether the state agency served a public purpose, it being unconstitutional under the state constitution to spend public funds for private purposes.⁶⁰ At the outset of its analysis, the court invoked section 68 of the Vermont Constitution—the education clause—and acknowledged that it “imposes on the General Assembly a duty in regard to education that is universally accepted as a proper public purpose.”⁶¹ The supreme court concluded that public funding of private educational institutions was constitutional, in part, because the “general public benefit [was] the dominant interest.”⁶² Thus, in determining the constitutionality of

⁵⁷ *Id.* at 263.

⁵⁸ 247 A.2d 68, 69–70 (Vt. 1968).

⁵⁹ *Id.* at 70.

⁶⁰ *Id.*

⁶¹ *Id.* at 71.

⁶² *Id.*; HILL, *supra* note 25, at 138 (discussing *Mann*); *see also* *Campbell v. Manchester Bd. of Sch. Dirs.*, 641 A.2d 352, 353–54, 361 (Vt. 1994) (holding that, under a Vermont statute requiring towns to reimburse residents tuition costs if the town does not have a public high school, the town of Manchester must reimburse tuition paid by parents of a high school student who sent student to private sectarian high school). *But cf.* *Chittenden Town Sch. Dist. v. Dep’t of Educ.*, 738 A.2d 539, 541–42, 548–49 (Vt. 1999) (distinguishing *Mann* and *Campbell* and invalidating the town of Chittenden’s reimbursement for tuition paid to a sectarian school on the basis that such reimbursement amounted to state support of religious worship in violation of the Vermont Constitution). Although *Mann*, *Campbell*, and *Chittenden* involve funding of private schools and the education clause deals expressly only with public education, the Vermont Supreme Court still partially, and meaningfully, relied on the education clause in *Mann*. The court abandoned reliance in *Campbell* and *Chittenden*. In fact, the *Chittenden* court cited the education clause of the 1777 constitution, but used the provision as a support of public education and as an implicit rejection of state support to private sectarian education. *See id.* at 557. This argument may be tenuous given that, in the eighteenth and nineteenth centuries, the importance of the school in developing a child’s religious and moral character is well-documented. *See Spiller v. Woburn*, 94 Mass. (12 Allen) 127 (1866); FULLER, *supra* note 7, at 129–30; HENRY WILLIAM ELSON, HISTORY OF THE UNITED STATES OF AMERICA 206–08 (1904). Regrettably, the judicial educational tradition may have been tarnished with the holding in *Chittenden*.

public funds for private educational entities, the court placed significant weight on the educational purpose served by those entities.

Although sparking intense controversy across the state,⁶³ the 1997 school finance case of *Brigham v. State*⁶⁴ may be the most important in Vermont's judicial educational tradition. The case, and the legislature's response, certainly garnered more public attention and curiosity than any other case in the Vermont Supreme Court's educational tradition.⁶⁵ In *Brigham*, students from two of Vermont's poorer school districts—Whiting and Hardwick—filed a declaratory judgment action against the State of Vermont, positing that the state's system of funding public education was unconstitutional.⁶⁶ Until that time, school districts were primarily funded by local property taxes, which resulted in "wide disparities in revenues available" to the districts.⁶⁷ For example, the town of Eden in northern Lamoille County spent \$2,979 per student during fiscal year 1995, while the southern town of Winhall, home to Stratton Mountain ski resort, spent \$7,726 per student.⁶⁸ This system, the students argued, denied them of their right under the Vermont Constitution and Federal Constitution to the same educational opportunities as students in wealthier districts.⁶⁹

The supreme court ruled that the plaintiff-students were entitled to judgment as a matter of law and held that the current system of school financing violated the education clause and the common benefits clause⁷⁰ of the Vermont Constitution.⁷¹ The court thus ordered the legislature to "make educational opportunity available on substantially equal terms."⁷² It was the education clause that pillared the court's decision. As two legal scholars have observed, the court "emphasized the importance of the Education Clause . . .

⁶³ See Michael A. Rebell & Jeffrey Metzler, *Rapid Response, Radical Reform: The Story of School Finance Litigation in Vermont*, 31 J.L. & EDUC. 167, 183–86 (2002).

⁶⁴ 692 A.2d 384 (Vt. 1997).

⁶⁵ See Rebell & Metzler, *supra* note 63, at 183–86; Erin E. Buzuvis, Note, "A" for Effort: Evaluating Recent State Education Reform in Response to Judicial Demands for Equity and Adequacy, 86 CORNELL L. REV. 644, 679 (2001).

⁶⁶ 692 A.2d at 386.

⁶⁷ *Id.* at 386, 388–90.

⁶⁸ *Id.* at 389.

⁶⁹ *Id.* at 386.

⁷⁰ VT. CONST. ch. I, art. 7. The analog to the common benefits clause of the Vermont Constitution is the equal protection clause of the U.S. Constitution. *Brigham*, 692 A.2d at 395.

⁷¹ *Brigham*, 692 A.2d at 397.

⁷² *Id.* at 398.

as a major substantive component of the ruling.”⁷³ Most notably, the bulk of the per curiam decision gave an historical perspective on the “Right to Education in Vermont,” which included extensive citation to Ira Allen, brother of Ethan Allen, who championed education at Vermont’s founding as essential to the future prosperity of the state.⁷⁴ This historical backdrop led the court to conclude: “To keep a democracy competitive and thriving, students must be afforded equal access to all that our educational system has to offer. In the funding of what our Constitution places at the core of a successful democracy, the children of Vermont are entitled to a reasonably equal share.”⁷⁵ Reared by and continuing the judicial educational tradition, the court guaranteed adequacy and equity in education for students across the State of Vermont.⁷⁶

IV. FINAL REFLECTIONS

As Pawlet⁷⁷ historian Hiel Hollister eloquently observed in 1867, “[n]ext to providing themselves a shelter and the most common necessities of life, our fathers, true to the institutions in which they had been reared, directed their attention to the interests of education.”⁷⁸ The founders at Windsor granted every Vermonter a constitutional right to education. Through chapter 2, section 68, and its ancestors, the Vermont Constitution has made education as much a Vermont tradition as maple syrup, winter sports, and green mountains. From generation to generation, Vermonters have dutifully honored this tradition, carrying forward a “spirit that has pervaded Vermont from its earliest days: an innate and unshakable belief that it is better to know than not to know.”⁷⁹

⁷³ Rebell & Metzler, *supra* note 63, at 177.

⁷⁴ *Brigham*, 692 A.2d at 391–94.

⁷⁵ *Id.* at 397.

⁷⁶ The Vermont Legislature responded to *Brigham* by passing Act 60. See Buzuvis, *supra* note 65, at 676–78; Rebell & Metzler, *supra* note 63, at 183–84. The law replaced local property taxes with a statewide education property tax. VT. STAT. ANN. tit. 16, § 4025(a)(1) (2005). Under the revamped system, the state provides school districts with block grants per student. *Id.* § 4011 (setting the block grant at \$6,800 for fiscal year 2005). For a description of the current system, with amendments to the law since Act 60’s passage, see Laurie Reynolds, *Skybox Schools: Public Education as Private Luxury*, 82 WASH. U. L.Q. 755, 794–96 (2004).

⁷⁷ The town of Pawlet (population 1,394) is located in southwestern Vermont. Pawlet, Vermont, <http://www.virtualvermont.com/towns/pawlet.html> (last visited Mar. 20, 2006). Most appropriate for this essay, the town’s website displays one photograph, the simple and sturdy “1852 Schoolhouse.” *Id.*

⁷⁸ HOLLISTER, *supra* note 10, at 65.

⁷⁹ WORKS PROGRESS ADMIN., *supra* note 6, at 57.