

# **Bond Case Briefs**

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## **SCHOOLS - VERMONT**

### **Paige v. State**

**Supreme Court of Vermont - December 21, 2018 - A.3d - 2018 WL 6715479 - 2018 VT 136**

Town resident filed suit against State, Vermont Board of Education, Secretary of Education, and others, seeking declaratory and injunctive relief based on challenge to constitutionality of legislation that created multi-year plan for merger of school districts.

The Superior Court dismissed complaint for lack of standing, and resident appealed.

The Supreme Court of Vermont held that:

- Resident failed to allege injury-in-fact, as prerequisite to standing to challenge constitutionality of legislation;
- Resident lacked taxpayer standing to challenge legislation; and
- Resident's position as justice of peace was not basis for conferring standing.

Town resident lacked standing to seek declaratory judgment that legislation enacted to create multi-year process for merging existing school districts in order to maximize operational efficiencies through increased flexibility to manage, share, and transfer resources created disparities in education funding between towns and subjected town residents to higher education costs, following merger of town school district with neighboring town district, while depriving them of ownership of their town school, violated right to equal educational opportunity under Vermont Constitution, where resident was neither public school student nor parent of public school student, and thus was not affected by alleged deprivation of educational opportunities, and transfer of ownership of town school to new merged school district and dilution of town's control of school did not constitute injuries personal to resident, but were injuries shared amongst taxpayers generally.

Town resident lacked standing as taxpayer to seek declaratory judgment that legislation enacted to create multi-year process for merging existing school districts in order to maximize operational efficiencies through increased flexibility to manage, share, and transfer resources created disparities in education funding between towns and subjected town residents to higher education costs following merger with neighboring town, while depriving them of ownership of their town school, in alleged violation of right to equal educational opportunity under Vermont Constitution, where resident did not allege waste of municipal assets, that he paid disproportionately high state and local education taxes compared to similarly situated taxpayers of other Vermont towns, or that he paid higher education taxes than other taxpayers who owned property of same value and had identical adjusted gross incomes.

Town resident's position as justice of peace was not basis for conferring standing to challenge constitutionality of legislation enacted to merge school districts with purpose to maximize operational efficiencies through increased flexibility for management, sharing, and transfer of resources, when resident otherwise had not demonstrated injury in fact, following merger of town school district with neighboring community, where statutes that enumerated powers of justice of peace did not vest resident with standing to bring action to challenge state laws, even if laws were

unconstitutional, and his sworn oath not to do anything injurious to Constitution did not impose on resident affirmative duty to bring civil actions against State.