

Next steps: What weight should the Board accord to 'the will of the people'?

Now that we've concluded three full days of hearings on local districts' proposals for Alternative Governance Structures under Act 46, one central, pivotal question emerges: *as the Board evaluates local districts' AGS proposals, what weight should the Board accord to 'the will of the people' as expressed in lawfully-conducted local votes?*

It seems to me that the import of this question cannot be over-stated. The question goes to the meaning of 'local control' and, perhaps even, to the very definition of democracy.

At our next meeting, I'm hoping that the Board will have a thoughtful discussion of the import of local votes in connection with Section 9 proposals. In fact, I'd make the case that this is the first-and-foremost matter that the Board should take up when we begin deliberations at our 2 October meeting.

If, for example, the Board were to conclude that local votes -- either in opposition to merging or in support of a district's proposed AGS -- should bear significantly on Board deliberations, then all or most other considerations -- goals of Act 46, views of the Agency of Education, strategic priorities of the Board, concerns about debt allocation, etc.-- would pale in comparison. If local approval is the *sine qua non*, then the Board would seem to have little choice but to ratify all Section 9 proposals that were affirmatively endorsed by local vote.

(There's been speculation about the procedural or political "integrity" of some local votes. For example, it's been noted that some district governance referenda were framed in terms that may have prejudiced the outcome. Some have suggested that the Board look at the integrity of the local vote process and weed out local votes that appear to have been stacked one way or another. On reflection, I'm convinced that imposing on local votes some Board-conceived standard of integrity is 'a fool's errand' at best -- and more likely a presumptuous intrusion into local affairs for which the Board has neither the authority nor the expertise.)

On the other hand, after discussion, the Board might concur with the Agency's view that "*Merger is not 'impossible' or 'impracticable' solely because a community has expressed a preference to maintain its current governing structure...*" In that case, then the Board will be left to consider the proposals' merits with regard to whatever criteria the Board determines. Depending on the criteria chosen, many districts' Section 9 proposals might well be found wanting. In such event, then the Board will be obliged to impose whatever governance model -- either that proposed by the Agency, or a model of the Board's own devising -- that better meets its requirements.

Either way, I urge that we resolve the question of *what weight should the Board accord to 'the will of the people'* before we begin deciding the merits of proposed Alternative Governance Structures presented by the districts and their communities and/or the merits of the Agency's recommendations.

John Carroll, 19 September 2018