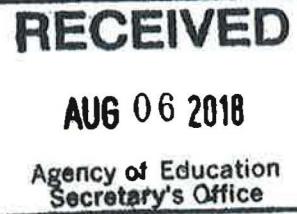


HB  
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## PETITION TO VERMONT BOARD OF EDUCATION TO INITIATE FORMAL PROCEEDINGS

We, the parents of Jonas Natvig, DOB 1-29-05, residents of Roxbury, VT, now approach the Board as per Rule 1232.2.1 and request a hearing wherein the Board will make a determination per 16 VSA 828 relating to tuition and lower board improper quasi judicial conduct.

a) Given the quasi judicial authority of the Board via 16 VSA, it is the appropriate administrative entity to hear this appeal as this case is not disputing that local boards via 16VSA822 have final fiduciary authority over public funds, but is at its heart is about the relationship of an upper board to a lower board. 16VSA164 in delineating the general powers and duties of the State Board says in:

3) "examine and determine **all** appeals that by law are made to it and **provide rules of practice** in respect thereto, not inconsistent with law."

The State Board has an umbrella responsibility to enforce in its quasi judicial capacity rules of practice by a lower board to insure lower boards do not ignore long-accepted rules of judicial conduct such the Plain Language Canon declared *over-riding* by the U.S. Supreme Court in 1917:

"When the words of a statute are unambiguous, then, this first canon is also the last: 'judicial inquiry is complete.'" Caminetti v. United States, 242, U.S. 470.

b) Jonas was first enrolled at the Lake Champlain Waldorf School (LCWS), an independent school, for the 2016-2017 school year as a 6th grader. He attended 7th grade there during the 2017-2018 school year with tuition supplementation by the Roxbury School District, a K through 6 entity.

Under Act 46, the districts of Roxbury and Montpelier merged last summer. Article 4d of the merger stipulated that there would be no ongoing ("grandfathering") tuition support unless a student attending another school was enrolled in 7th grade of that school by May 1st, 2017.

We enrolled Jonas for the 7th grade at LCWS effective March 27th, 2017. We presented proof of this enrollment to the Rox-Mont Board at their June 17 meeting and requested ongoing tuition supplementation as per our right under the Articles of Merger.

*The Board denied our request, explaining that although 4d said "enrolled," their intention was to say "attending."*

c) We seek redress and argue that the Roxbury-Montpelier Board is obligated by administrative rules of practice to adhere to normal quasi judicial conduct and not be allowed to alter or ignore the plain language of the Article of Merger ad hoc. "Enrolled" is not an ambiguous term and we clearly met the deadline stipulated by the Article. The lower board cannot be allowed to contort the wording of an Article previously deemed acceptable to the State Board to retrospectively alter its plain meaning in an effort to avoid tuition grandfathering. We therefore petition the Vermont Board of Education to order the Roxbury-Montpelier Board adhere to normal and established quasi judicial conduct, reverse its erroneous ad hoc denial, and provide ongoing tuition support for Jonas to continue to attend LCWS.



Duane Natvig  
August 2, 2018



Rachel Natvig  
August 2, 2018