

Fight Goes On In Region 14
By: Rebecca Ransom
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WOODBURY-It has been five months since the Region 14 Board of Education approved a controversial plan to reconfigure the elementary schools, and opponents of the plan are still going strong in their efforts to have the board's decision rescinded. In fact, opponents say a recent legal opinion issued by the Bethlehem town attorney only strengthens their case.

Last October, the school board voted to adopt a plan-scheduled to take effect at the beginning of the 2007/08 school year-that would send all students in kindergarten through second grade to Bethlehem Elementary School. Students in grades three through five would attend Woodbury's Mitchell Elementary School. From there they would go on to the middle school in Woodbury and Nonnewaug High School, also in Woodbury.

Currently, elementary students attend the school in their hometown, though a number of children who live near town lines attend the closer school.

Last month, a Bethlehem parent and attorney, Thomas L. Brayton III, asked the town's selectmen to initiate legal action against the school board in an effort to stop the reconfiguration plans. Mr. Brayton maintained that a 1968 regionalization agreement forming the Woodbury and Bethlehem district outlined that each town would house its own elementary school and, according to state law, any fundamental change made to that plan, such as reconfiguration, must be approved in a referendum.

Town attorney Michael Rybak issued an opinion to the selectmen Feb. 22, stating, " ... it is not clear whether the Region 14 school reconfiguration plan is indeed a 'fundamental change' to the original plan of regionalization and therefore subject to a referendum, as claimed by Attorney Brayton, or whether the realignment is a matter exclusively within the authority and statutory obligation of the Region 14 Board of Education It is a close question which only a court can ultimately answer."

The Board of Education's attorney, Roseann Padula, contends the school board has full and sole authority to reconfigure the elementary schools.

Despite the legal ambiguity, Mr. Rybak said it was not the town's place to initiate legal action in this case. He pointed out that courts are often reluctant to become involved in "mere differences of opinion among municipal officers or members of the municipal electorate" and cited the recent lawsuit involving Region 12 and the town of Bridgewater as an example.

In that case, Bridgewater filed a lawsuit and sought a temporary injunction against the Region 12 school board in an effort to stop the school district from moving forward with a land feasibility study. The town claimed the board did not follow proper bidding procedures when launching the \$65,000 study and claimed its three school board representatives were wrongly denied information. Mr. Rybak noted the judge in that case declined to intervene by refusing to issue a temporary injunction. The lawsuit was later settled out of court.

Mr. Rybak also pointed out that if the town were to enter into legal action, the taxpayers would essentially be funding both sides of the dispute-legal fees for the town alone could cost upward of \$25,000.

Mr. Rybak suggested if legal action is to be taken, it should be undertaken by the reconfiguration opponents. "It is unfortunate that the Region 14 Board of Education did not decide to submit the question to a district-wide referendum. However, the proper response to this decision does not appear to be a lawsuit by the town of Bethlehem," he wrote.

Bethlehem First Selectman Leo Bulvanoski said he respected Mr. Rybak's opinion and believes it is correct. "They are elected officials, we can't override what they do," Mr. Bulvanoski said of the regional school board.

Both Mr. Bulvanoski and Woodbury First Selectman Dick Crane have kept their distance from the reconfiguration issue, saying that it is not within their purview.

The recent legal opinion issued by Mr. Rybak led the grassroots group opposing reconfiguration, Families for Region 14 Elementary, to present a petition to the school board, stating, "Given the legal ambiguity that surrounds the Board's decision and the community outcry that has followed, we urge the Board of Education to take the reconfiguration plan to referendum."

According to Erica Barber, who is spearheading the group, more than 300 people signed the petition when it was presented to the board at its recent meeting. She estimates that more than 400 signatures are on the petition now.

"Our position is, we've never really wanted to end up in court," she said. "What we want is more community input."

The school board has been criticized for the process in which the reconfiguration decision was made. The first time most residents were made aware of the reconfiguration plans was at a workshop meeting Oct. 4. The school board approved the plan Oct. 16. Critics have said it was a closed-door and hurried decision.

"A lot of people are unhappy with the process accompanying this," Mrs. Barber said. "Even people who don't have strong feelings about reconfiguration have strong feelings about how this has been handled."