



**PRESS RELEASE from  
LIBERTY JUSTICE CENTER**

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**Vermont parents sue state over unequal access to education  
*Residency restrictions on historic Town Tuitioning system violate state  
constitution***

NEWPORT, Vt. (Jan 5, 2021) — A group of Vermont parents are suing the state and local school districts over unequal access to education under the state's 150-year-old Town Tuitioning system. The parents say the program violates the state constitution by allowing children residing in certain school districts to attend the school of their choice and denying the same right to others.

Attorneys from the Liberty Justice Center filed a lawsuit in state court against the State of Vermont, the state's Secretary of Education, the state Board of Education and four of Vermont's public school districts — Windham Northeast Union Elementary School District, Bellows Falls Union High School District, Lake Region Union Elementary School District and First Branch Unified School District. The Liberty Justice Center is a national, nonprofit law firm that fights to protect school choice across the country and is best known for its 2018 U.S. Supreme Court victory in *Janus v. AFSCME*.

At issue are inequities in access to Vermont's Town Tuitioning system. The nation's oldest publicly funded school choice system, dating back to the early 1800s, affords some students full access to educational choice, others limited access and still others no access.

"Vermont's Town Tuitioning system works well for the favored few who happen to live in a location where it is available," said **Brian Kelsey, senior attorney at the Liberty Justice Center**. "Unfortunately, only 17 percent of Vermont school children are afforded some form of choice under the present system. Those who are ineligible are at a distinct, and unconstitutional, disadvantage."

The families represented in the lawsuit live in districts where their local public school is ill-suited to serving their children's unique needs. They say the current Town Tuitioning system violates the state constitution and ask that the common benefit of Town Tuitioning be granted to all students in Vermont.

For one family, their disabled 15-year-old son who requires a wheelchair and assistance with basic, daily activities, suffered neglect from his assigned public elementary school. Once he was forgotten in the bathroom. During his seventh- and eighth-grade years, Town Tuitioning enabled him to attend an independent school, where he thrived. His parents, Sarah and Louis Vitale, now face financial hardship and are struggling to afford the school's tuition after his eighth-grade year, because their local school district denies Town Tuitioning for ninth through twelfth grades.

"Our son has so many challenges to overcome. Getting access to a school willing and able to meet his needs should not be one of them," said **parent Sara Vitale**. "His school has treated him as a welcomed member of the school community rather than as an imposition, and that had made all the difference in his confidence and success."

"The Vitales are a prime example of why Vermont's inequitable school choice system must be fixed," said their attorney, Brian Kelsey. "We at the Liberty Justice Center are proud to take on this fairness fight."

Liberty Justice Center is working on the case with Vermont attorney, Deborah Bucknam.

“Vermont families deserve equal access to education,” said **Deborah Bucknam, Vermont attorney**. “This lawsuit is a step towards recognizing the families left behind by Town Tuitioning inequities with a goal of expanding choice for all Vermonters.”

**The case filings in *Vitale v. Vermont* are available here:**

<https://libertyjusticecenter.org/media/vermont-parents-sue-state>.

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**The Liberty Justice Center** is a nonprofit, nonpartisan public-interest litigation center that represents clients at no charge and was founded to fight against political privilege. The most recent example of the Liberty Justice Center’s national success in this arena is its 2018 U.S. Supreme Court victory in *Janus v. AFSCME*. Beyond its work in the *Janus* case, the Liberty Justice Center’s team of talented, liberty-minded attorneys also fight to protect economic liberty, private property rights, free speech, school choice and other fundamental rights. The Liberty Justice Center pursues its goals through strategic, precedent-setting litigation to revitalize constitutional restraints on government power and protections for individual rights. Learn more about the Liberty Justice Center at [LibertyJusticeCenter.org](http://LibertyJusticeCenter.org).