



To: Vermont State Board of Education (SBE)

From: Tim Newbold, Vermont Independent Schools Association

Date: April 15, 2024

RE: Comment on Rule Series 2200 V15 Draft

I am writing on behalf of the Executive Committee of the Vermont Independent Schools Association (VISA) to comment on the V15 draft of the proposed updates to Rule Series 2200, as posted on the agenda for your April 17, 2024 meeting.¹

VISA appreciates the State Board of Education's effort to enhance the independent school approval rules. We continue to support the application of Act 1 principles to these rules, as well as the addition of an annual assurance process to attest to compliance with Vermont's anti-discrimination laws. **VISA opposes the approval of any school that is unwilling to attest to its unqualified compliance with anti-discrimination laws and regulations.**

We respectfully ask the SBE to consider the following changes to the proposed rules.

Proposed Rule 2223.4(d) and (e) provide no opportunity for a school to remedy unintentional lapses in the submission of their annual assurance form. Proposed Rule 2223.4(e) will likely result in schools being advanced to a formal hearing without any opportunity to resolve unintentional non-compliance through informal means. Consider the following common scenarios that would result in a school being referred to the SBE for a formal hearing:

- The school misses the deadline to submit its assurance form because it does not receive the email communication specified in proposed Rule 2223.4(b) due to one or more of the following circumstances:
 - The email is intercepted by spam filter
 - The email is sent to someone no longer employed by the school
 - The email is sent to an incorrect or invalid email address
- There is a technical or administrative error in the submission of the electronic form

1

<https://education.vermont.gov/sites/aoe/files/documents/edu-sbe-final-draft-rule-series-2200-v15-annotated.pdf>

- The person normally responsible for submission of the form is on vacation, sabbatical, or on medical leave.

We support the referral of any wilful non-compliance to a hearing, but propose the addition of some period of time (e.g. 30 days) for the AOE to work with schools to remedy unintentional non-compliance issues through informal means. Unintended non-compliance issues should only be advanced to a formal hearing if reasonable opportunities to remedy the situation have been ineffective.

Sincerely,



Tim Newbold
President of Vermont Independent Schools Association