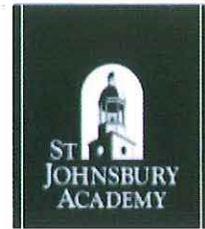




**Vermont Council of
Independent Schools**



January 3, 2017

Mr. Stephan A. Morse, Chairman
Vermont State Board of Education
219 North Main Street, Suite 402
Barre, VT 05641

Dear Stephan:

We are writing in follow up to our recent discussions regarding the Board's proposed rule 2200 series governing independent school approvals. We believe the few sessions we have had for direct dialogue with members of the Board, independent schools, and representatives of the public sector, have been productive in exploring different perspective and priorities. In our view, these sessions highlight a clear need for a lengthier dialogue before any changes to the rules are made.

As we discussed, there appear to be some areas of the proposed rules where consensus may be possible. It is our understanding that the Board does not intend to require independent schools to comply with all state and federal laws and regulations that apply to public schools, such as teacher licensure. Rather, the goal of the "catchall provision" as we understand it, is to ensure independent schools provide a safe and healthy environment for students. We also understand the goal of the financial capacity provisions are intended to ensure institutional solvency. Enclosed with this letter are suggested language changes for the sections that address the following: 1) definition of "independent school"; 2) accreditation; 3) health and safety; and 4) financial capacity. Current Board rules already address most of these areas (apart from a newly added definition of "independent school"), and we agree that minor changes to the rules to update these provisions will not do harm to the ability of independent schools to serve students well.

While we did not spend much time on the issue of limiting payment of tuition out-of-state, we have expressed continued concerns regarding reciprocity from other states and would ask the Board to eliminate these provisions.

It is also clear based on our discussions that there is deep disagreement regarding the proposed rule provisions that would require open enrollment and certification in all areas of special education. What has been most concerning to us is what we perceive as a desire by the Board and representatives of the public sector to eliminate mission-based education options for publicly-funded students. Vermont has a long history of making mission-based education

accessible to students. Our independent schools are diverse, just like our children. A diversity of educational options available to serve a diversity of students makes for a healthy educational ecosystem. Mandating open enrollment and special education policies will have a tremendously negative impact on independent schools across Vermont. If schools cannot comply due to cost, or misalignment with mission, they will not be able to accept publicly funded students. The resulting impacts on choice are very clear, legitimate and real -- student choices will certainly be diminished and in some cases eliminated. We are puzzled by the Board's continued reluctance to acknowledge the consequences of the proposed action. These proposed policy changes are not good for kids and families. Independent school education will be accessible only to wealthy families that can afford to pay tuition. That cannot be the outcome our state policy seeks to achieve.

Representatives of the SBE who attended the public stakeholder sessions in St. Johnsbury and Manchester heard many stories from families whose children, including those with special needs, have been and are being successfully served by independent schools. In many instances, these independent schools are not certified in special education. Yet, they are achieving tremendous outcomes for kids that have struggled in more traditional settings. This is not a system that is broken. We believe that moving forward with the proposed changes demonstrates the Board's lack of understanding of independent, mission-based education, and the value it provides to our communities. These proposed rules, as you have heard many times during the last few weeks, present a solution in search of a problem. We urge the Board to step back and spend considerable time learning about our independent schools in Vermont before imposing requirements that will negatively impact a system that is serving students well.

We propose another meeting amongst the smaller group of representatives to discuss our suggested revisions. We hope the Board will strike the provisions which limit payment of tuition out-of-state. We also urge the Board to strike the open enrollment and special education provisions from the proposed rules. Should the Board choose not to do that at this point, we urge the Board not to advance these proposed rules any further until it has taken the time to meet with a much broader segment of our mission-driven independent school community, including our small schools, and educate itself on the many unique ways students are being served. It is the Board's obligation to do so.

Sincerely,



Mark Tashjian
Headmaster, Burr & Burton Academy
Chair, Council of Independent Schools



Tom Lovett
Headmaster, St. Johnsbury Academy



CJ Spirito
Headmaster, Rock Point School
President, Vermont Independent Schools Association

January 3, 2017

Proposed Revisions to SBE Proposed Rule 2200 Series

Proposed Rule 2220 states:

Definition: “Approved independent schools” are schools that are eligible to receive public funding, and which as a condition of that approval, meet and maintain certain minimum standards, as set forth in these rules. The State allows use of public dollars for education in private institutions that meet the standards and state purposes defined in the approval rules.

Proposed Revision:

“approved independent schools” are:

- (a) Schools Eligible to Receive Publicly Funded Students, which meet and maintain the minimum standards as set forth in these rules; or
- (b) Schools Not Eligible to Receive Publicly Funded Students due to religious affiliation, which meet and maintain the minimum standards as set forth in these rules.

Proposed Rule 2222.14 (a)(ii) states:

the school is approved by an accrediting entity recognized by the State Board pursuant to Rule 7320 of the State Board’s rules

Proposed Revision:

Approval may be granted without committee evaluation and the approval process in the case of any school accredited by a state or regional agency recognized by the State Board for accrediting purposes. Such accrediting agencies are listed in Rule 7320 of the Board Manual of Rules and Practices. Any accreditation from a recognized accrediting agency that is valid for more than five years must be supplemented with an interim report from the accrediting agency which should be submitted to the Agency of Education by the accrediting agency or the school during the last year of its five-year approval. This interim report must provide such information as is necessary to assure the State Board that the school is meeting the approval standards. If such proof of compliance with approval standards cannot be shown, or if the school does not undergo the accreditation process by one of the approved agencies, the Secretary of Education will charge the Council of Independent Schools to establish a peer review team for the purpose of conducting a school visit to ensure that the school meets the minimum standards set forth in these rules. The review team shall submit a written recommendation for approval to the Secretary of Education upon completion of the school visit. In the event the review team finds that the school does not meet the minimum standards set forth in these rules, the school shall submit a compliance plan to the review team and the Secretary of Education for approval.

Proposed Rule 2222.14 (a) (iv) states:

the school complies with all other state and federal laws and rules applicable to Vermont public schools including, without limitation providing a learning and (as applicable) residential environment for students that is safe and healthy, unless otherwise provided by law.

Proposed Revision:

The school provides a safe and healthy environment for students by certifying that it has the following:

- (a) harassment, hazing, and bullying prevention policies and procedures;
- (b) a discipline plan;
- (c) a Rule 4500-compliant policy for the use of restraint and seclusion;
- (d) a user's agreement with the Vermont Crime Information Center;
- (e) a concussion action plan;
- (f) an immunization plan;
- (g) an emergency preparedness plan;
- (h) current health inspection for food services;
- (i) current fire safety inspection for facilities.

Proposed Rule 2222.14 (a) (v) states:

the school has adequate financial resources to maintain operations and deliver all required educational services during the period of its approval term. Satisfying any financial adequacy review by an accrediting entity recognized by the State Board at Rule 7320 may be satisfactory evidence of financial adequacy to operate and deliver all required educational services during the period of the school's term of approval by the State Board. The Secretary may also recommend, as part of any approval recommendation to the State Board, that budgets be submitted annually in a common statewide electronic format, that GAAP procedures be employed, that independent auditors be periodically employed by the applicant school, and any/all audit results be made available, in whole, to the Secretary, upon request.

Proposed Revision:

The school demonstrates financial capacity to operate and deliver all required educational services by submitting to the Secretary of Education on an annual basis the school's IRS Form 990. Additionally, the school shall submit with its application for approval one of the following:

- (1) A statement of financial capacity by an accrediting agency recognized by the State Board at Rule 7320;
- (2) An audit letter by a certified accounting firm from the present or prior year describing financial capacity;
- (3) An audit from the present or prior fiscal year performed by a certified accounting firm; or

(4) The school's Form 990 submitted to the Internal Revenue Service.

When financial capacity is in question based upon the information provided above, the Secretary of Education may also recommend, as part of any approval recommendation to the State Board or annual review of the IRS Form 990, that the Council of Independent Schools establish a review team to conduct a school visit to assess a school's financial capacity and submit a report of their findings and recommendations to the Secretary of Education.