



State of Vermont
1 National Life Drive, Davis 5
Montpelier, VT 05620-2501
education.vermont.gov

[phone] 802-828-1130
[fax] 802-828-6430

Agency of Education

August 12, 2021

Re: Strengthening Independent School Approval Practices

Dear Chair Olsen,

I appreciate your emphasis on statutory requirements that, while they may not be explicitly stated in State Board of Education rule, are vital elements of school operations as related to student health and safety and the lawful operation of school facilities.

To implement your request for additional review and be mindful of not placing more burdens on the Independent School review process for schools and for the Agency of Education (AOE), I believe it is appropriate to utilize a condition on approval to highlight these important statutory provisions.

Going forward, in cases where I find that an applicant for renewal or initial approval has satisfied the requirements of Rule 2200, I will recommend approval by the State Board with the following conditions, which includes the standard condition regarding reporting changes to the school's program, etc. and a new set of conditions aligned to your request:

This approval is further conditional on the requirement that the school maintains compliance with the following provisions of Title 16:

- 1. The lawful requirements pertaining to facilities in 2226.8 including compliance with Vermont's Public Accommodations Act (9 V.S.A. § 4500 - 4502);*
- 2. The lawful requirements pertaining to fire drills in 2226.8 including compliance with 16 V.S.A. § 1481, which, among other things, requires that "a drill shall be held at least once in each month during the school year and a record of the date and time of the drill, together with the time consumed in completing the procedure, shall be kept in the official school register, and such register shall be open at all times for inspection by representatives from the Fire Safety Division of the Department of Public Safety or the Agency of Education";*
- 3. The lawful requirements pertaining to immunizations in 2226.8 including compliance with 18 V.S.A. § 1121, which includes a requirement that "no person may enroll as a student in a Vermont school, regardless of whether the student has been enrolled in the school during a previous school year, unless the appropriate school official has received a record or certificate of immunization issued by a licensed health care practitioner or a health clinic that the person has received required immunizations appropriate to age as specified by the Vermont Department of Health."*
- 4. General compliance with state and federal health and safety regulations, as referenced in Rule 2225.7, including compliance with 33 V.S.A. § 4913, requiring "any mandated reporter who reasonably suspects abuse or neglect of a child shall report in accordance with the provisions of*

section 4914 of this title within 24 hours of the time information regarding the suspected abuse or neglect was first received or observed,” and 16 V.S.A. § 255, requiring background checks for employees or other persons having unsupervised contact with children.

You have also requested that the Board receive the report associated with New England Association of Schools and Colleges’ (NEASC’s) review of accredited schools. The accreditation report and other accreditation materials are the property of the school and have not historically been requested by AOE on a uniform basis. The current accredited school application requires a letter from NEASC stating the school is accredited. Based on your request, the AOE will amend the accredited school application and require a school to submit all accreditation materials received from NEASC since the most recent accreditation cycle renewal date. This new process will take some time to stand up. In the interim, the AOE will be requesting the five schools that are next due for renewal to submit all NEASC materials. The Board can expect to receive these materials in the packet for each school, along with my recommendation concerning renewal or approval.

My staff will communicate the new application form, the need for NEASC reports, and the conditions that will be added to the recommendation to the schools coming up for renewal. By rule, the schools are to be provided with 30 days to respond to the AOE’s recommendation. I anticipate that my staff will have all necessary documents prepared for Board action at the September 15, 2021 meeting.

Thank you for your partnership in ensuring that the independent school approval procedures are aligned to the rules and the law. I hope these process improvements will assist the Board in its important oversight role.

Sincerely,



Daniel M. French, Ed.D.
Secretary of Education

Cc: State Board of Education Members

