

# Approved Independent Schools Study Committee

## Draft Meeting Minutes

May 30, 2017

### **Present:**

Committee members: Rebecca Holcombe, AOE; Senator Philip Baruth, Chittenden County; Bonnie Johnson-Aten, SBE; Nicole Mace, VSBA; Liz Shayne, Schoolhouse Learning Center (CIS); Michael Livingston, Sharon Academy (CIS); Seth Bongartz, VISA; Jeff Francis, VSA; Jo-Anne Unruh, VCSEA Agency of Education; Molly Bachman; Haley Dover; Suzanne Sprague  
Others: Maggie Lenz, TSA (Montpelier); Dylan Zwicky, LTS (Dorset); Jonathan Wolff, Primmer/Lyndon Institute; Mill Moore, VISA; Patti Komline, VISA; Dillon Burns, Vermont Cares Partners; Toby Howe, MMR/SJA/BBA; Laura Pelosi, MMR/SJA/BBA; Emily Simmons, VSBA; C.J. Spirito, Rock Point School/VISA

### **Item 1**

While people arrived, Secretary Holcombe asked the members to write their biggest hopes and concerns on cards and place them in the box. Secretary Holcombe convened the meeting at 1:08 p.m. She reviewed the intent of the meeting and the agenda. Secretary Holcombe said that her hope is for a productive conversation to come to a set of consensus recommendations that can be given to the State Board to help them with the rulemaking for independent schools.

Secretary Holcombe invited the group to introduce themselves.

Secretary Holcombe reminded the committee that there are other types of independent schools that are not represented and that these schools need to be addressed in the recommendations as well. She advised that the proposed recommendations also need to address or acknowledge schools that are "approved" (but not approved to take public dollars), recognized, tutorial programs and schools that serve unique or special populations (e.g. students with severe disabilities, mental health issues, substance abuse issues).

Jeff Francis asked for the names of the public in attendance and their affiliation.

### **Item 2, 3, 4 and 5**

Molly Bachman, AOE General Counsel, reviewed existing law related to the responsibilities of the state and districts, as well as independent school approval.

Molly Bachman explained the legislative charge in H.513; the committee is charged with making recommendations on criteria to be used by the State Board of Education in making rules for approval. She continued that the criteria specified in the statute include, but are not limited to: 1) enrollment policy, 2) delivery of special education services and the categories it services, 3) scope and nature of financial information required to be reported by independent schools to the Agency of Education.

Molly Bachman reviewed the following documents and highlighted key points in each.

1. Chapter I Article 7 of the Vermont Constitution and Chapter II § 68 of the Vermont Constitution
2. Vermont's Public Accommodations Act, Sections 9 V.S.A. §§ 4500 – 4502
3. 16 V.S.A. § 166 Approved and recognized independent schools
4. 16 V.S.A. § 828 Tuition to approved schools
5. Responses from Vermont Independent Schools Association (5/10/16)
6. Letter from Vermont Independent Schools Association (2/14/17)
7. Letter from Karen Richards, Vermont Human Rights Commission (2/17/17)
8. Letter from Counsel of Independent Schools (5/9/16)
9. Attorney General Opinion on Vermont Public Accommodations Act (2/9/17)
10. Joint Memorandum from VCSEA and VSBA and VSA (1/3/17)
11. Description of independent school approval process in neighboring states
12. Memorandum from Karen Kennedy, Lyndon Institute (1/11/17)
13. Legal Opinion of Jim DesMarais, Legislative Counsel (10/28/16)
14. Joint Fiscal Office Issue Brief (4/25/17) – Light discussion by the committee regarding special education services, location of providing service as well as parental placement.
15. ACLU Memorandum (12/6/16)
16. Attorney General Opinion on SBE rulemaking authority (12/19/16)
17. 16 V.S.A. § 164(7), (14)
18. H.513 Legislative charge

Secretary Holcombe said the review was important in order for the committee to have a common base of information on the topic. She said it was intentional not to begin with the draft rules.

Jeff Francis asked if there is a legal definition of “mission driven” (a phrase used in letters from independent schools). He said that his experience with the Rules 2200 rulemaking was that the process found itself at an inability to move forward. Secretary Holcombe said there is no specific statutory definition of “mission driven” in relation to schools.

Secretary Holcombe reminded the group that there are statutory obligations that must be met, but a variety of strategies to achieve goals.

#### **Item 6**

Secretary Holcombe distributed a hand out and asked the Committee to use it to think through in a preliminary way the roles, responsibilities and associated risks of different entities with respect to providing education: the State, the LEA and independent schools. She continued that each is a separate player in a complex system and that each player has a purpose, a role, a set of obligations and a set of interests. Secretary Holcombe said that the committee needs to disaggregate what they are in order to figure out how the system works.

Secretary Holcombe gave the committee several minutes to work on the task. She asked for a couple of examples and hopes to come back to the exercise another time.

**Item 7**

Secretary Holcombe said the next point of business on the agenda was to elect a chair, but pointed out that the legislature had not yet officially appointed its representatives, and that there was no member of the House present. She asked the group if a chair should be elected without official representation from the Vermont Senate and House or if the election should take place at the next meeting.

Michael Livingston made the motion to have Secretary Holcombe continue to chair the committee and formulate the agenda for the next meeting until a vote on the chair can take place. Bonnie Johnson-Aten seconded.

Vote: Unanimous yea.

**Item 8**

Secretary Holcombe asked the committee for suggestions for an agenda for the next meeting. Committee members suggested the following topics:

1. Memo on placement of IEP students
2. SBE presentation
3. Presentations from Independent schools
4. Review 2200 rules language and take a look at differences
5. Opportunity to discuss impact on public school districts and families (this will be discussed at the third meeting)
6. Overview – special education law

Secretary Holcombe said that the AOE will supply some dates for the next meeting via a Doodle poll.

The meeting adjourned at 3:03 p.m.

Minutes recorded and prepared by Suzanne Sprague.