

APPROVED INDEPENDENT SCHOOL RULE #2222.8 INVESTIGATION

Guidelines developed by the Council of Independent Schools and the Vermont Department of Education – September 1996

A person alleging that an approved or recognized independent school is out of compliance with statutes or regulations applicable to such schools may file a written complaint with the Commissioner of Education.

A complaint received by the Commissioner shall be acknowledged in writing and a copy thereof forwarded to the chief administration officer (CAO) of the school within seven days of receipt of the complaint by the Commissioner's office.

*If the Commissioner finds the complaint to involve matters outside the scope of the statutory or regulatory authority of the Department or State Board of Education, the complainant shall be so informed in writing. This decision may be appealed, in writing, directly to the Commissioner within seven days of complainant's receipt of the Commissioner's decision.

*If the complaint appears to be within the scope of the statutory or regulatory authority of the Department or State Board of Education, the CAO of the school shall be asked to respond to the complaint within seven days of the school's receipt of its copy of the complaint. The Commissioner shall review the response from the school and determine whether: (a) the matter should be closed, or (b) the matter should be investigated further.

*If the matter is to be closed, the Commission shall, in writing, so inform the CAO of the school and the complainant. The decision of the Commissioner to close the matter may be appealed, in writing, directly to the Commissioner within seven days of the complainant's receipt of the Commissioner's decision. The Commissioner may decide the appeal on the written documents submitted or may ask to meet with the complainant and representatives of the school.

*If the matter is to be investigated further, the Commissioner shall, in writing, so inform the complainant and the CAO of the school. The Commissioner, after consultation with the Chair of the Council of Independent Schools (CIS) shall appoint a review team of at least two persons including a member of the CIS. The Commissioner, after consultation with the Chair of CIS, shall also appoint a complaint investigator to supervise the work of the review team.

*The team shall examine evidence presented on behalf of the complainant and on behalf of the independent school and, upon request of either party or on its own initiative, may schedule an on-site investigation.

*If an on-site investigation is to be conducted, the school shall be informed in writing at least ten days prior to the date on which such on-line investigation is scheduled and receive all documents relevant to the complaint filed against the school. All documents about the complaint not subject to the exclusions of the public documents law shall also be released to the school at the conclusion of the investigation.

*The complaint investigator shall present the review team's findings to the Commissioner within sixty days of initial receipt of the complaint. Within ten days of receipt of the findings, the Commissioner shall determine whether: (a) the school has demonstrated that it is in full compliance with the applicable statutes or regulations which were the subject of the complaint filed, or (b) the school must take specified action to come into compliance within a specified time frame, or (c) the school is in violation of applicable statutes or regulations which were the subject of the complaint filed and that appropriate sanctions against the school should be taken.

*If a complaint received by the Commissioner alleges that a situation exists at an approved or recognized independent school which may imminently threaten the mental or physical health, safety or welfare of a student or personnel at the school, the Commissioner may order an immediate investigation of the complaint by a review team and complaint investigation. The Commissioner will notify the Chair of the CIS and the CAO of the school within twenty-four hours of the Commissioner's decision to conduct an immediate investigation of the school, which notification must occur at least twenty-four hours before the arrival of the review team at the school. The Commissioner shall make the same determination of recommended steps to be taken after he/she receives the report of the complaint investigator as specified above for non-emergency investigations.

The Commissioner or the review team shall refer drug or alcohol issues to the State's Attorney in the county in which the independent school is located. Reports of child abuse or neglect shall be reported to the Vermont Department of Social and Rehabilitation Services. Reports concerning the safety of facilities, water supply, electricity, or waste disposal systems shall be reported to the appropriate public agency.