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## **Independent Schools – Definitions and Distinctions; Designation**

### **1. Is there more than one type of independent school in Vermont? If so, how are they different and how do I tell which type is which?**

The statutes refer to independent schools in four main categories / subcategories. The classification affects whether and in what amount it can receive publicly funded tuition.

#### ***a. Approved Independent School***

Approval process and operational criteria: overview is in 16 V.S.A. §§ 166(b), (e)–(g):

- Provides minimum course of study required of public schools per § 906
- Substantially complies with State Board of Ed Rules 2220–2228.9 for approval, including:
  - Instructors must have a minimum of a bachelor’s degree in their field of instruction or “substantially equivalent time and training and experience in their field of instruction”
  - Not required to provide special education — but if it does, then the school must obtain approval for each category provided
- For students whose tuition is publicly funded, school uses assessment(s) required by the State Board for public schools under 16 V.S.A. § 164(9)
- Adopts hazing, harassment, and bullying prevention policies; is subject to provisions of 16 V.S.A. chapter 9, subchapter 5 that apply to public schools

Eligible to receive publicly funded tuition dollars if non-sectarian:

- Elementary schools:
  - The district pays the amount charged
  - If the electorate also authorizes payment to an independent school, the district pays the least of the following options:
    - Statewide average announced tuition of union elementary schools
    - Tuition charged by the enrolling independent school that enrolls the student
    - The average per-pupil tuition the district pays for its other students
      - Exception: Electorate can authorize higher payment
- Secondary schools:
  - The district pays an amount not exceeding the statewide average announced tuition of union high schools
    - Exception: Electorate can authorize higher payment
  - The parent / guardian pays the difference, if any

- **Approved Independent School Serving as the Area Career Technical Center**
  - The district pays the tuition charged by the school – not a statutory amount
  - No “bill-backs”
  - (St Johnsbury Academy and Lyndon Institute)
- **Independent School Meeting [Education] Quality Standards (Secondary)**
  - The district pays the tuition charged by the school – not a statutory amount
  - (Thetford Academy)

**b. Recognized Independent School**

- The school files an enrollment notice with Secretary of Education containing information and assurances per 16 V.S.A. § 166(c)
- Not eligible to receive publicly funded tuition dollars
- Student may attend and not be considered to be truant

**2. What is Designation? What districts can designate and what schools can be designated? (16 V.S.A. § 827)**

- A school district that does not operate a school offering grades 7-12 and would otherwise be paying tuition for some or all of those grades may designate an approved independent high school OR a public high school
- In 2015, the Legislature expanded this authority to permit designation of one, two, or three schools
- The designated school has the ability to refuse designation
- The school must be located in Vermont (except per the exceptions below)
- If both the sending district and the receiving school(s) agree to designation, then the receiving school is the school for the district and all students who reside in the district enroll in that school (or schools, if more than one school is designated)
- The designated school is considered a public school for tuition purposes under § 824(b) (meaning the sending district pays the full tuition charged)
- A school board in a sending district is permitted to pay tuition to a *non*-designated public or approved independent school:
  - Upon parental request
  - If the board in its sole judgement determines it will best serve the student’s interests
    - The board is not required to grant the parental request
  - If school board grants the parental request, the district pays tuition in an amount not exceeding lesser of:
    - Statewide average announced tuition of union high schools
    - The per-pupil tuition the district pays to the designated school
    - Tuition charged by the nondesignated school enrolling the student
      - The parent / guardian pays the difference, if any
  - The voters do not need to give the board prior authorization to grant parental requests
- Exceptions:
  - Pawlet, Rupert, and Wells may designate public high school in NY

- When Wells grants a parental request to pay a nondesignated school, the school district pays an amount not exceeding the base education amount for the year
- Unless the electorate decides otherwise, when Strafford grants a parental request to pay a nondesignated school, the school district pays pursuant to § 824, except it cannot exceed the per-pupil amount paid to the designated school

*This document is provided for guidance only and does not have the force of law. See the underlying statute and/or Acts for more detail.*