

Dear Members of the Vermont State Board of Education,

Thank you for your leadership on the State Board of Education and your commitment to Vermont students.

Attached, please find a letter of formal comment on proposed Rule 2000 amendments. I send this today on behalf of my co-signatories.

Thank you,

Colin Igoe

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Head of School

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Vermont State Board of Education
1 National Life Drive, Davis 5
Montpelier, VT 05620-2501

October 15, 2023

RE: Comment on Proposed Rule 2000 (EQS) Amendments

Dear Members:

Please accept this letter as our formal comment on the Rule 2000 Education Quality Standards (EQS) rulemaking.

As consistently represented over the past year, we support the inclusion of ethnic and social equity studies as part of the standards that govern Vermont's Approved Independent Schools, specifically Rule 2200. We are disappointed that some individuals and organizations are attempting to conflate these important updates with an effort to apply unrelated aspects of EQS to independent schools.

We do not support the unilateral application of EQS to independent schools. Applying the EQS to independent schools would be a major policy change that goes well beyond the limits of the State Board of Education's statutory authority. The current statutory and regulatory framework reflects important and fundamental differences in governance structures between our public education system and the independent schools that serve students from public school districts that do not operate their own schools.

The historic academies have never been public schools, as some individuals have falsely claimed. Independent schools are governed by self-perpetuating boards of trustees, with a head of school responsible to the trustees. **Ultimately, we as leaders, along with our trustees, are accountable to the parents who choose our schools to educate their children.**

Our governance structures are flexible, allowing us to respond to student needs quickly and innovatively. Our governance model, with its focus on long-term sustainability, helps attract the private contributions we need to fund ongoing capital investment (since we are ineligible for state capital construction aid and do not have tax authority). Our town tuition program has served Vermont students and families extremely well, as evidenced by the continued commitment of many districts to tuition to independent schools. Our sending school districts retain the power to construct and operate their own public school and end tuitioning.

Recognizing the difference in governance, there would be practical problems, as well as substantive policy implications to consider in applying the EQS unilaterally to independent schools. Just a few examples include:

- **EQS Rule 2121.2** requires that “Each school shall employ instructional and administrative staff members who possess the knowledge and skills to implement the standards in alignment with professional educator standards established by the Vermont Standards Board for Professional Educators.” Rule Series 2200, consistent with statute, requires that independent schools employ educators with appropriate qualifications, but does not require a specific license. Changing the standard would have serious policy implications, particularly given the significant workforce challenges we have in the education field. If this requirement came into force, it would only increase the competition for licensed educators, and put increased pressure on independent AND public schools. In addition, we do not believe licensure is the best measure of teacher quality and preparedness. A Ph.D. level college professor or professional without a teacher license is sufficiently able to teach secondary education, for example. So is an award-winning chef able to teach in a culinary program. Underlying substantive and professional qualifications along with robust professional development, peer and leadership support, and evaluation are arguably more critical, albeit resource and time consuming. We consider it time and resources well allocated.

- **EQS Rule 2120.6** requires that the supervisory union “ensure that each school implements the supervisory union's written and delivered curriculum”. The practical problem is that this makes the superintendent responsible for developing curricula for all independent schools that it sends students to - what happens when students are attending an independent school from multiple supervisory unions that might have conflicting curriculum standards? Setting aside the practical issues, this represents a major policy shift, as it gives the superintendent control over an independent school's curriculum.

- **EQS Rule 2121.1** requires that the superintendent “supervise a licensed principal who shall be responsible for the day-to-day leadership of the school”. As with curriculum, this has major policy implications, and puts the superintendent in the position of supervising and directing the work of a head of school who is hired, supervised, and fired by an independent board.

It is worth noting that there are requirements of the independent school approval process governed under Rule Series 2200 that do not apply to public schools. One significant difference is that, unlike public schools, all approved independent schools are subject to public scrutiny, review, and approval by the State Board of Education, at the recommendation of the Secretary of Education, at least every five years. Just within the past year, the State Board has declined to approve schools that were unable to meet these approval standards and it occasionally places conditions on the approval of independent schools in cases where it thinks additional oversight is required. Approval status can be suspended, as well as terminated.

Moreover, the rules that apply to independent schools (2223.9) create a complaint process wherein aggrieved persons can file a complaint directly with the Agency of Education, which then provides avenue for an independent investigation of the complaint. Public schools are not held to that standard. The proposed EQS rules (2121.1 and 2126.1), require public schools to document complaints they receive and provide those documented complaints and responses annually to the Agency of Education.

Unlike the public hearing style review of an independent school's approval, there is no similar, regular public forum for review of a public school's compliance with the rules at a state level.

In his October 3, 2023 [comment](#) to the State Board of Education, the president of the VSBA, Neil Odell, advocates for a "...single set of standards that would apply to all of Vermont's publicly funded students." Ironically, while Mr. Odell appears to dismiss the unique history and governance structures of Vermont's independent schools, he ignores the glaring reality of the interstate districts that serve many Vermont students. As the vice-chair of the Dresden interstate school district, Mr. Odell must know that his high school, which serves many Vermont students, will continue to be exempt from EQS in its entirety.

Mr. Odell further states that "All of Vermont's publicly funded students deserve the same equitable, anti-racist, culturally responsive, anti-discriminatory and inclusive (sic) education experience." We agree, which is why we continue to support the State Board's proposed application of Act 1 updates to Rule Series 2200, which are the appropriate place to address changes for independent school approval standards.

It is an unfortunate irony, however, that Mr. Odell's own school district, one of the most privileged in the nation, will remain beyond the reach of Act 1, even as Vermont independent schools are already embracing the principles of Act 1. Additionally, the Dresden school district retains (last updated April 2023) a restrictive admissions policy for non-resident students – one that would not meet the standards required of Vermont approved independent schools accepting public tuition.

The invocation of the phrase "[separate but equal](#)" by the VSBA and their "Alliance" in this important dialog is offensive and inflammatory, and oversimplifies the complexity of our education system, as so vividly illustrated by the status of Mr. Odell's own school district. Our collective and positive energy would be better and more productively directed toward addressing the significant needs of students in the areas of literacy, numeracy, homelessness food insecurity, infrastructure, and mental health, as well as promoting anti-racist, inclusive and welcoming environments. That is where our attention lies as school leaders, and we encourage members of the State Board of Education to visit our schools and see first-hand the critical work we are doing in these and other areas to support students.

In conclusion, we support the application of standards for ethnic and social equity studies to approved independent schools, and we ask that this be addressed in the appropriate rules (Rule Series 2200). An entirely different governance paradigm (e.g., school boards, supervisory unions, and superintendents responsible for day-to-day management) permeates through the specific dictates of the EQS rules, making them difficult and unnecessary to interpret and apply to the independent school environment.

Thank you for your consideration and your dedication to Vermont students.

Sincerely,

Brian Bloomfield
Lyndon Institute, Lyndon

Sharon Howell
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