

Vermont State Board of Education

DRAFT Public Comment Summary

Rule 2200 - Independent School Program Approval

Last Updated: 3/13/24

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Comment Number	Type of Comment	Comment Description	Applicable Section	Name of Commenter	Summary of Comment	Specific Change (if offered)
1	Written	General Comment: Support of Rule		Newman, Mary (on behalf of The Sharon Academy)	Expresses strong support for the proposed updates to the rule. Changes align well to TSA's commitment to meeting diverse needs of its marginalized students. Reorganization of rules make them more clear and accessible. Supports approval process for accreditation agencies. Notes need for stability following these updates so schools have time to integrate and adapt. Appreciates platform for public input.	
2	Written	General Comment: Does not separate rules for public schools and independent schools		Vermont Equity Alliance (VT School Boards Association; VT Superintendents Association; VT Principals Association; VT NEA)	The same rules should apply to all schools that provide a publicly funded education to Vermont Students.	
3	Written	2000 and 2200 Definitions are not an exact match	Section 2222: Definitions	Vermont Equity Alliance (VT School Boards Association; VT Superintendents Association; VT Principals Association; VT NEA)	Discrimination and Restorative Practices do not match; 16 definitions from 2000 not included in 2200.	Requests same language in both rules.
4	Written	Missing Sections in 2200		Vermont Equity Alliance (VT School Boards Association; VT Superintendents Association; VT Principals Association; VT NEA)	Rule 2200 does not have the following sections: 2121.3 (Needs Based Professional Learning); 2122.2 (Access to Instructional Materials); and 2123 (Reporting of Results).	
5	Written	Annual Compliance Assurance	Section 2223.4; 2226.2/2226.3	Vermont Equity Alliance (VT School Boards Association; VT Superintendents Association; VT Principals Association; VT NEA)	Nondiscrimination should be mentioned, process for noncompliance is too lenient, and LEAs should be notified in case of investigation so they may withhold tuition.	

6	Written	Accredited School Approval Process	Section 2224.2	Vermont Equity Alliance (VT School Boards Association; VT Superintendents Association; VT Principals Association; VT NEA)	Request strengthening compliance review process
7	Written	Data Distribution	Section 2223.5	Vermont Equity Alliance (VT School Boards Association; VT Superintendents Association; VT Principals Association; VT NEA)	Schools should send data to LEAs in addition to Secretary.
8	Written	Public Records Exemption	Section 2223.5	Vermont Equity Alliance (VT School Boards Association; VT Superintendents Association; VT Principals Association; VT NEA)	Information provided by schools should all be part of public record; no exceptions.
9	Written	Continued Approval	Section 2224.5	Vermont Equity Alliance (VT School Boards Association; VT Superintendents Association; VT Principals Association; VT NEA)	Time constraints should be added to the process for review of schools applying for reapproval.
10	Written	Reapplication	Section 2224.7	Vermont Equity Alliance (VT School Boards Association; VT Superintendents Association; VT Principals Association; VT NEA)	Deadlines should be applied for Secretary to process reapplications.
11	Written	Investigations	Section 2226.2.2	Vermont Equity Alliance (VT School Boards Association; VT Superintendents Association; VT Principals Association; VT NEA)	Investigation process should be shortened by submitting complaint directly to the Board; LEAs should be notified when unvestigation begins so tuition can be withheld; register of complaints should include all complaints.
12	Written	General Comment: Support Rules		Boswell, Laurie	Lyndon Institute already completed important work in DEI; supports rule regarding ethnic and social equity; supports nondiscrimination provisions; does not support EQS application to independent schools.
13	Written	General Comment: Support Rules		Thurber, Carson (Stratton Mountain School)	Supports 2200 updates - specifically ethnic and social equity study recommendation and annual compliance attestatoin. Does not support application of EQS to independent schools.

14	Written	General Comment: Support Rules		Ogden, Herbert and Jim Salsgiver (on behalf of Taconic and Green Regional School District and BRSU)	Supported recent changes to 2200; supports changes in 2200 to incorporate principles of Act 1. Community statement aligns with support for Act 1 inspired changes. Believes using rule series 2200 is the appropriate mechanism for applying Act 1 principles to independent schools. Requiring independent schools to operate the same as public schools is impractical. Constituency in commenters' region supports th current structure of independent schools having autonomy over their governance and operations within the current regulatory framework. Supports parallel regulatory structure.	
15	Written	General Comment: Support Rules		Reps. Kelly Pajala, Seth Bongartz, Kathleen James, and Mike Rice.	Speaks in support of maintaining current structures. Constituencies do not support public funding of any school that discriminates on the basis of protected class status, does support current struture of independent schools having autonomy over their governance and operations; opposes efforts to change current system of school choice. Supports rules; requests no additional substantive changes. Outlines the benefits of families choosing schools and communities choosing choice over operation of school.	
16	Written	Ethnic and Social Equity Principles		Vermont Independent Schools Association (submitted by executive committee)	Supports application of ethnic and social equity principles to 2200; consistent with shared values of member schools; schools are already there and have outpaced the speed of reglatory change. Serve many students that Act 1 parts of rule support.	
17	Written	Application of EQS to Independent Schools		Vermont Independent Schools Association (submitted by executive committee)	Unilateral application of EQS to independent schools is inconsistent with statutory framework. Different statutory provisions apply. Would be inappropriate to apply the reverse - Rule 2200 applies to public schools. Structures are fundamentally different.	
18	Written	Style Modifications	Sections 2223.4 and 2223.3.5	Vermont Independent Schools Association (submitted by executive committee)	Specific suggestions re: rewording.	See comment.
19	Written	Annual Compliance Assurance	Section 2223.4	Vermont Independent Schools Association (submitted by executive committee)	All VISA members are required to adhere to anti-discrimination laws without qualification. Opposes approval or renewal of any school that is unwilling to comply. Suggests changes: electronic submission; AOE support in transition; initial deadline for submission; notification requirements; identify period of application for initial compliance; specify annual deadlines and process more clearly; direct specific process for notifying schools of failure to submit assurance and consequences of not complying; update register of approved independent schools and compliance assurance status.	
20	Written	Standard Application	Section 2224.1.1	Vermont Independent Schools Association (submitted by executive committee)	Suggests edits.	See comment.
21	Written	Accrediting Agency	Section 2227	Vermont Independent Schools Association (submitted by executive committee)	Recommend limiting to AISNE and NEASC because of lack of demand/need for more; possibility of less rigorous accreditors; familiarity.	Limit Accrediting Agencies to AISNE and NEASC.

22	Written	Accountability	Vermont Independent Schools Association (submitted by executive committee)	Approved independent schools are arguably more accountable for their performance than public schools: regular review/scrutiny before approval, state level complaint process, local accountability to voters, students and families can enroll elsewhere - threatening continued existence of school; IEP team accountability for students with individual needs.
23	Oral 11.17.23	General Comment: Support Rules	Scranton, Chuck	Supports the rules; does not support independent schools operating under same requirements as public schools. Cites longevity of some headmasters and how that would not align with Superintendents as CEOs. Provides examples of qualified educators who are not certified or licensed as they would need to be in public system; pulled out of PSA process years ago because of this.
24	Oral 11.17.23	General Comment: Support Rules	Bloomfield, Brian	Headmaster at Lyndon. Only high school options are LI and STJ in NEK. Supports rules; especially focus on ethnic and social equity and nondiscrimination requirements and annual attestation. Does not support unilateral application of EQS. Cites that teacher's credentials are already scrutinized. Having certification does not make you a better teacher. Give rules time to settle in before making more changes.
25	Oral 11.17.23	General Comment: Support Rules	Igoe, Colin	Head of School at Long Trail. Lack of local public school options. Supports rules; values inclusivity and it's a big part of the school. Appreciates process. Wants time to ensure rules can be enforced.
26	Oral 11.17.23	General Comment: Support Rules	Zaccaro, Edward	Board of Trustees of St. Johnsbury former member of the House. Supports rules and believes it's a reasonable compromise. Opposes application of EQS to Independent Schools.
27	Oral 11.17.23	General Comment: Rules discriminate against religious schools	Ames, Rod	Supporter of Christian School in NEK. Tried to become approved and had to withdraw application because they felt they were having to give up a lot of their Christian values and Christian Principles. Thinks 2200 might be discriminatory toward Christian Schools and would like to see more consideration given for religious schools and Christian schools.
28	Oral 11.17.23	General Comment: Support Rules	Howell, Sharon	Supports rules and changes in support of social and racial equity. TSA and other approved independent schools are already doing a lot of work in that area. Many students live in poverty and are being supported.
29	Oral 11.17.23		Vaughan, Phoebe	Parent and board member at Bridge School. Advocates for schools being able to retain autonomy with respect to hiring practices. It is useful and has been beneficial, sites example of her children as well.
30	Oral 11.17.23	General Comment: Support Rules	Starling, Roy	Head of School at Riverside. Supports 2200 - specifically ethnic and social equity study standards and annual attestations. Good ideas. Doesn't support application of EQS to independent schools.
31	Oral 11.17.23	General Comment: Support Rules	Schlachter, Margaret	Head of School at Mountain School in Winhall. Supports the rules. Represents a good compromise of the different perspectives and supports applying the ethnic and social equity study recommendations.
32	Oral 11.17.23	Comment: Changes to North Bennington	Kenny, Dylan Spencer	Would like her school (North Bennington) to have a union and for board meetings to be open to the public. Thinks these should be required.

33	Oral 11.17.23	General Comment: Support Rules		Forest, Mathew	Director of special services at St. J. Supports the rules. Sees value in the Board structure of St. J where Board is consistent and focused on big picture. Also appreciates hiring autonomy.
34	Oral 11.21.23	General Comment: Support Rules		Boswell, Laurie	See written comment.
35	Oral 11.27.23	General Comment: Support Rules		Middleton, Angela	Trustee at LI. Supports rules. Supports ethnic and social equity study recommendation and annual attestation requirements. Opposes application of EQS to independent schools. Board should hold off on further changes until prior changes have had time to settle in.
36	Oral 11.27.23	General Comment: Support Rules		Newbold, Tim	Represents VISA and Village School of North Bennington. Supports rules. Supports ethnic and social equity study recommendation and annual attestation requirements. Opposes application of EQS to independent schools. Board should hold off on further changes until prior changes have had time to settle in.
37	Oral 11.27.23	Apply EQS to Independent Schools		Ceglowksi, Sue	Represents Education Equity Alliance. See written comment.
38	email 12.5.23	Definition of Ethnic Groups		Sherman, Justin & James Pasch	Definition of Ethnic Group must be the same as in Act 1
39	oral comment 12.7.23	Effective Date	Vermont Superintendent Association	Request EQS implementation date of July 1, 2025	Request EQS implementation date of July 1, 2025

40	Submitted in Writing	General Comment: Applying EQS to Approved Independent Schools	Holcombe, Rebecca	<p>IDEA requires students placed in independent schools must have access to the same standards of education. Separate and lesser standards do not achieve this. Separate and unequal rules for schools is a violation of the common benefit command of the Vermont Constitution. Vermont has failed to continually improve standards for independent schools, allowing them to fall behind public school requirements in quality and transparency. A minimum course of study is a floor; it is not aspirational. Cites specific examples of shortcomings of approved independent school practices, opportunities, and philosophies and teachings. Diverting public funds from public schools in rural areas drives fragmentation and segregation based on religious identity. No data and information available about performance of schools that taxpayers or legislators can look at. Previous data suggests that independent school performance is weaker than that of peer public schools. The harm caused by lower standards outweighs hypothetical harm caused to schools in requiring them to comply with EQS. It is unjust to allow independent schools to practice selective enrollment or "cull" students. This enables social and economic polarization. Data suggests that a disproportionate number of disadvantaged students from tuition towns are served by public schools rather than independent schools, suggesting segregation impacts counter to public policy. Consider whether rules onerous to independent schools should be applied to public schools. Recounts Brown v. Board finding that generating feeling of inferiority as to statue is intolerable. Asserts that LGBTQ+ students are faced with similar situation with some independent schools that are trans or homophobic. Some work belongs to the legislature; some belongs to State Board. Standards should not be inconsistent with the rights of students with disabilities. VCSEA supports purpose of EQS. Believes that EQS standards must become part of the independent school approval process. Concerned that Independent schools are not held to the same level of accountability because (1) they are not required to implement an assessment system that consists of formative and summative assessments and provides data to inform instruction, measure progress, and assist teams in ensuring students meet graduation requirements; (2) a process for meeting high-quality programs is not evident in EQS; and accurate data for IEP's are not available and could cause problems. Claims AOE lacks authority to provide oversight and monitor Independent Schools serving students with disabilities - particularly financial accountability. Advocated for teacher licensure for professionals. Suggests that the LEA or VCSEA representative be part of the school review process.</p>	Apply EQS to both public and Independent Schools. Require open enrollment of any independent school receiving public funds. Require publication of performance data, including assessment scores, for independent school receiving public funds. Ensure state rules comply with federal law.
41	Submitted in Writing	General Comment: Applying EQS to Approved Independent Schools	Lundeen, Mary (on Behalf of Vermont Council of Special Education Administrators)	<p>VCSEA supports purpose of EQS. Believes that EQS standards must become part of the independent school approval process. Concerned that Independent schools are not held to the same level of accountability because (1) they are not required to implement an assessment system that consists of formative and summative assessments and provides data to inform instruction, measure progress, and assist teams in ensuring students meet graduation requirements; (2) a process for meeting high-quality programs is not evident in EQS; and accurate data for IEP's are not available and could cause problems. Claims AOE lacks authority to provide oversight and monitor Independent Schools serving students with disabilities - particularly financial accountability. Advocated for teacher licensure for professionals. Suggests that the LEA or VCSEA representative be part of the school review process.</p>	EQS apply to Independent Schools. Suggests that the LEA or VCSEA representative be part of the school review process.

Submitted in Writing

General Comment: Applying EQS to Approved Independent Schools

Unruh, Jo-Anne

Concerned that EQS not applicable to independent schools creating lack of accountability. No requirement for transparency or accountability for students in independent schools. Designation of independent schools as meeting EQS is lacking b/c it allows them to charge more without transparency and accountability. Assurances are insufficient; the same rules must apply. The following are comments on 2200:

1. AOE lacks capacity and authority to actively oversee the education of student with disabilities within the independent schools.
2. Independent Schools struggle with serving students, choose discrete services over inclusive education, bill in questionable ways, don't conform to SPED rules and statutes, and no mechanism for LEAs to communicate with AOE.
2. Lack of structure of achieving input from local LEAs
3. Lack of structured connection between financial oversight and transparency required in public schools.
4. Rules lack understanding of the legally prescribed role of LEAs
5. Hiring and retaining qualified staff is a concern
6. Role of IEP Team needs to be affirmed in the rule
7. Strengthening the universal level of instruction in all schools under a census based system model is not addressed
8. Schools dependent of public tax dollars should follow the same rules.
9. Must acknowledge and account for administrative costs born by LEAs in meeting requirements.

Budgeting and Finance within Independent Schools needs to be transparent. AUE must have capacity and regulatory authority to oversee and monitor budgeting and financial accountability of approved independent schools that receive public tuition. Public School administration should be included in with formal investigations are initiated. Accreditation must be required to consider Vermont and federal SPED regulations. 2226 Statement must indicate design of services is consistent with SPED regulations. Define