

**Rule Series 2200
“Phase II” Updates**

**Presentation to the
Vermont State Board of Education
August 18, 2023**

Rule Series 2200 Subcommittee

Jennifer Deck Samuelson, Chair

Tom Lovett

Kim Gleason

General Overview: Three Categories of Work

- Apply the principles and goals of Act 1 (2019) to independent schools
- Create a requirement that all independent schools, as a condition of their approval, must annually attest to their compliance with the Rules
- Introduce a framework that accrediting agencies must follow in order to be recognized by the Board

Process to Craft Language that Embodies Goals of Act 1 (2019)

- Act 1: “An act relating to ethnic and social equity studies standards for public schools”
- Act 1 created a Working Group and invited it to review State statutes, SBE rules, and school district and supervisory union policies that concern or impact standards for student performance or curriculum used in schools.
- After more than two years of evaluation, the Working Group proposed updates to Rule Series 2000 “Education Quality Standards” (EQS) and presented them to the SBE at its April 20, 2022 Meeting.
- Proposed updates to EQS were considered by SBE EQS Committee, which met 28 times to hear testimony, discuss and deliberate possible revisions to EQS Rules.
- Revisions to EQS represent efforts of a diverse group of stakeholders to ensure that the rules are anti-racist, culturally responsive anti-discriminatory, and inclusive.

Applying Principles and Goals of Act 1 to Independent Schools

- The State Board has the authority pursuant to 16 V.S.A. §164(7) to make legally binding rules within the scope of its authority in order to assist in the interpretation, implementation, and enforcement of the education statutes within the limitations of legislative intent.
<https://education.vermont.gov/state-board-councils/state-board/rulemaking>
- 16 V.S.A. §165 provides statutory authority for EQS
 - Pursuant to 16 V.S.A. §165(f), EQS only apply to independent schools if they seek designation as an “independent school meeting education quality standards”
- 16 V.S.A. §164(14) provides statutory authority to the SBE to adopt rules for approval of independent schools
- At its monthly meeting on May 17, 2023, the SBE decided that, although it agreed that the principles and goals of Act 1 were applicable to approved independent schools, the EQS rule series was not the appropriate mechanism.
- Instead, the Board felt that it would be more appropriate to apply the principles and goals of Act 1 to independent schools by re-opening Rule Series 2200.

“Lift and Shift” from EQS to 2200

- EQS Committee identified five subsections of Rule Series 2000 that were applicable to independent schools: 2113 (Nondiscrimination), 2114 (Definitions), 2120.1 (Instructional Strategies), 2120.5 (Curriculum Content), and 2122.1 (School Facilities and the Learning Environment)
- 2200 Committee brought this language into proposed updates to Rule Series 2200
- The side-by-side details where EQS language has been incorporated into Rule Series 2200 and, for ease of comparison, notes any changes that were made

Annual Compliance Assurance (Rule 2223.4)

- Closes gap in current Rule Series
- Reflects interest expressed by General Assembly
- Language developed in consultation with the Agency of Education
- Sets January 15th of each year as the deadline by which approved schools must attest to their continued compliance
- Form includes attestation that school meets requirements of 2223.2 (Nondiscrimination) and, if applicable, 2229.4 (Procedure for Ensuring the Provision of Special Education Services to Publicly Funded Students in Approved Schools)
- Sets forth procedure to follow if a school does not submit an acceptable Form.

New Procedure by which to Recognize Accrediting Organizations (Rule 2227)

- New Framework includes 11 criteria with which interested accrediting organizations must comply
- Accreditation leads to streamlined approval process in 2224
- Accreditation does not change Secretary's obligation to review a school's compliance with state specific requirements set forth in Subsections 2223.3.4 (Maintaining Safe and Equitable Access to Educational Opportunities), 2223.3.5 (Other Required Activities), relevant state law, and, if applicable, its submission of a complete, unmodified annual assurance attestation form described in 2223.4. This obligation exists whether the school is accredited or not.

Changes Made Since SBE 8/09/23 Meeting

- Updates to the 2200 Rule Series since SBE meeting on August 9, 2023 are highlighted for ease of reference.
- Some minor changes that we will discuss
- More significant updates to:
 - 2220 – Statement of Purpose
 - 2222 – Definition of Discrimination
 - 2223.2.1 – Nondiscrimination Statement and Policy
 - 2223.4 – Annual Compliance Assurance
 - 2227 – Recognized Accrediting Agencies
 - 2276 – Effective Dates