
MEMORANDUM

TO: Vermont State Board of Education
FROM: Daniel M. French, Ed.D.
SUBJECT: Recommendation for Conditional Approval of Mid Vermont Christian School and United Christian Academy
DATE: February 1, 2023

I write to you to recommend conditional approval for two independent schools before you: Mid Vermont Christian School and United Christian Academy.

Background

The Agency's Independent School team recommended approval of Mid Vermont Christian School and United Christian Academy because the review team found the school to meet all requirements of Rule 2200. Since the completion of the Site Review reports by that team, the schools were asked to complete the "Addendum for Independent School Applications – 2022", which includes 4 assurances that must be signed by the Head of School to affirm that the school meets four new sections of Rule 2200 that went into effect in May 2022. The first attestation on the addendum is: "The school complies with the Vermont Public Accommodations Act (Title 9 Vermont Statutes Annotated, Chapter 139) in all aspects of the school's admissions and operations."

Mid Vermont Christian School and United Christian Academy submitted amended addenda. The text of these addenda is as follows:

Mid Vermont Christian School

"The Mid Vermont Christian School is signing this form with the understanding that it must be read consistent with existing law and the U.S. and Vermont Constitutions. As a religious organization, the school has a statutory and constitutional right to make decisions based on its religious beliefs, including hiring and disciplining employees, associating with others, and in its admissions, conduct and operations policies and procedures. By signing this form, the Mid Vermont Christian School does not waive any such rights. To the extent Rule 2200's requirements conflict with any of the school's beliefs, including on marriage and sexuality, the school has not included that language in its handbook or online, nor can it affirm that particular aspect of the Vermont Public Accommodations Act."



United Christian Academy

“By signing below, we hereby affirm that we are the authorized officers/administrator of the applying independent school and we are signing this Addendum with the understanding that it must be read consistent with existing law, U.S. and State of Vermont Constitutions. As a Christian-based school we have a statutory and constitutional right to make decisions based on our religious beliefs, including those pertaining to marriage and sexuality. By signing below United Christian Academy does not waive any such rights. We believe that we have substantially complied with the requirements for approved independent schools. If there are any concerns, please contact the undersigned.”

The Vermont Public Accommodations Act prohibits a school (if the school is a “place of public accommodation”) from making admissions decisions that discriminate on the basis of protected class status. Protected classes are: race, creed, color, national origin, marital status, sex, sexual orientation, and gender identity. See 9 V.S.A. § 4502(a).

Though the schools’ statements differ, both decline to provide assurances that the schools will comply with the Vermont Public Accommodations Act. In particular, both decline to provide assurance that they will comply with the Act’s protection against discrimination on the basis of sexual orientation. It is not clear if the schools are also declining to provide assurance that they will comply with the Act’s protection against marital-status discrimination. Mid Vermont Christian School’s statement indicates that its handbook and website may not be consistent with the Act and suggests that it may not follow the Act “in its admissions, conduct and operations policies and procedures.” United Christian Academy’s statement is less clear as to the extent to which it intends to comply with the Act.

Recommendation

It is my recommendation to the State Board Independent School Approval Committee that you conditionally approve these schools, subject to the condition that, by the March SBE meeting, the schools come into compliance with the requirements of State Board of Education Rule 2226.6, which requires that an applicant make a “demonstration that the school substantially complies with all statutory requirements for approved independent schools, with documentation of . . . [a]n assurance, signed by the Head of School, that the school complies with the Vermont Public Accommodations Act in all aspects of the school’s admissions and operations.” If either of the schools does not provide such an assurance by the deadline, the State Board would make a finding that the condition has not been met, and the school would not be approved. Based on AOE’s research, this option is consistent with how other independent schools seeking State Board approval have been treated, as conditional approval has been granted to other independent schools that failed to meet a limited number of the requirements for approval.