

Vermont State Board of Education
Agency of Education
1 National Life Drive, Davis 5
Montpelier, VT 05620
Submitted Electronically

December 5, 2023

Dear State Board of Education Members:

We write to formally comment on the State Board of Education's proposed amendments to Rule Series 2200 and to give voice to the 90% of our constituents who voted in support of the following resolution by the Taconic & Green Regional School District:

- 1. Because our district does not operate a public high school, students have the opportunity to choose from a variety of public and independent high school options;*
- 2. The electorate does not support the public funding of any school that discriminates against students or staff on the basis of race, creed, color, national origin, disability, marital status, sex, sexual orientation, or gender identity;*
- 3. The electorate supports the current structure of independent schools having autonomy over their governance and operations within the current regulatory framework. This structure of oversight has enabled our districts to make high school education available, as required by the State of Vermont, while maintaining confidence that the schools serving our students provide a high quality of education; and*
- 4. The electorate opposes efforts to change the current structure in a way that eliminates educational opportunities made possible by our current practice of high school choice. The electorate believes our current local educational system, in a great example of Vermont traditions, has evolved within this current structure, through a high level of community commitment and an appropriate exercise of local control, to provide high quality, equitable educational opportunities for our students.*

The voters in the nine towns within the Taconic & Green district have spoken clearly in opposition to the public funding of schools that discriminate, and in support of our local education system, which provides local students with a choice that includes access to independent schools that are approved, through the rigorous process laid out in Rule Series 2200, to receive public tuition. We support the SBE's proposed amendments to Rule Series 2200, which are consistent with the wishes of our local communities, particularly with regard to strengthening anti-discriminatory practices. We also support the application of ethnic and social equity principles from Act 1 to Rule Series 2200. With this context, we respectfully ask that you do not make more substantive changes the rules than what is proposed in your preliminary draft.

Finally, we ask that you consider two fundamental principles that underpin the accountability of the independent schools that serve the students within our community. First, at an individual level, families have a choice. If a school is not meeting the needs of a student, the family can choose to send their children to another school. In fact, we have many families who choose to send siblings to different schools, because the unique needs of each student can be appropriately matched in different environments. Second, from a systems perspective, if our local independent schools fail to meet the needs of the community, a simple majority vote of the electorate is all that is required to end tuitioning and transition to a model where we operate a public school.

Sincerely,

Representative Kelly Pajala (Windham-Windsor-Bennington)

Representative Seth Bongartz (Bennington-4)

Representative Kathleen James (Bennington-4)

Representative Mike Rice (Bennington-Rutland)

Taconic and Green Regional School District
Bennington-Rutland Supervisory Union

December, 2, 2023

Dear members of the Vermont State Board of Education,

This letter is being submitted on behalf of the Taconic and Green Regional School District and Bennington-Rutland Supervisory Union Boards, and is in response to The State Board of Education's request for comments on the proposed amendments to the Independent School Program Approval Rules designed to incorporate the principles and goals of Act No. 1 (2019).

The Taconic and Green Regional School District (T&G) is one of three public school districts operating under the Bennington-Rutland Supervisory Union (BRSU). No district in the BRSU operates a school serving grades 9 -12. All our districts have operated with school choice for grades 9 -12 for our entire history. Our districts pay tuition for grade 9 – 12 students, to schools chosen by our families, at approved rates, and subject to those schools meeting the requirements set by the State of Vermont for qualification to receive public tuition. Because of this structure, our districts have always had a keen interest in the regulatory structure in place for independent schools to qualify to receive public tuition dollars.

The T&G and BRSU have strongly supported and appreciated the changes made to Rule Series 2200 in recent years. These changes have helped Rule Series 2200 to be more consistent with the values considered important by our school boards and our communities.

We also strongly support the State Board of Education's work to incorporate the principles and goals of Act No. 1 (2019) into Rule Series 2200. Again, we consider these changes to be important to maintain consistency with the values and principles our communities consider to be important.

We believe it is important to note that this statement on the values important to our communities is not speculation. We included a question to gauge community views in our 2023 Ballot – and over 90% of voters indicated support for the statement copied at the end of this letter, which we believe to be consistent with the recent and proposed changes to Rule Series 2200.

Our school boards look to Rule Series 2200 to provide broad and stringent tests that must be met by independent schools for them to qualify as options for our families to educate their children with tuition being paid by our districts under Vermont's long-standing school choice structure.

We fully support the provisions of Act No. 1 (2019), and we believe that the logical approach for its application to independent schools is the rule making process and updates to Rule Series 2200.

We are aware that there have been arguments that implementation of Act No. 1 as it relates to independent schools should follow some alternate course. Our districts believe that attempting to require our nonpublic schools to operate entirely the same way as public schools is impractical on the basis of governance differences alone. One of the items voters overwhelmingly supported in the ballot

item quoted below is "The electorate supports the current structure of independent schools having autonomy over their governance and operations within the current regulatory framework."

Therefore, we consider it to be fundamentally logical to maintain and update the parallel regulatory structure we have long relied upon to ensure that independent schools to which we pay tuition must meet strict qualification criteria. Our boards' expectation from Rule Series 2200 is that it provides our districts with a mechanism to ensure that the students we tuition to any independent schools under our school choice program receive the same quality of education we strive to provide in our schools, in an environment consistent with that we strive to maintain in our own schools.

We thank the State Board of Education for its work to continue to improve Rule Series 2200. This is particularly important work for districts like ours that have a long history of partnering with independent schools to educate our kids. A strong Rule Series 2200 helps to ensure a level playing field for the schools serving our children.

Best regards,

Herbert Ogden, Chair, Taconic and Green Regional School District

Jim Salsgiver, Chair, Bennington-Rutland Supervisory Union

cc: T&G/BRSU local legislators

2023 Taconic and Green Regional School District Ballot question (received 90.7% support):

Shall the Taconic & Green Regional School District advise the School Board, the Vermont General Assembly and Governor that:

1. Because our district does not operate a public high school, students have the opportunity to choose from a variety of public and independent high school options;
2. The electorate does not support the public funding of any school that discriminates against students or staff on the basis of race, creed, color, national origin, disability, marital status, sex, sexual orientation, or gender identity;
3. The electorate supports the current structure of independent schools having autonomy over their governance and operations within the current regulatory framework. This structure of oversight has enabled our districts to make high school education available, as required by the State of Vermont, while maintaining confidence that the schools serving our students provide a high quality of education; and
4. The electorate opposes efforts to change the current structure in a way that eliminates educational opportunities made possible by our current practice of high school choice. The electorate believes our current local educational system, in a great example of Vermont traditions, has evolved within this current structure, through a high level of community commitment and an appropriate exercise of local control, to provide high quality, equitable educational opportunities for our students.



To: Vermont State Board of Education (SBE)

From: Vermont Independent Schools Association Executive Committee

Date: December 5, 2023

RE: Comment on Rule Series 2200 Draft Updates

Thank you for providing members of the public with the opportunity to comment on the draft updates to SBE Rule Series 2200. We are submitting this written comment on behalf of the Vermont Independent Schools Association (VISA).

We appreciate your diligent and thoughtful approach to these updates and are very supportive of the reorganization of the rules, which makes them easier to navigate. We have summarized our general comments, along with specific suggestions for further refinements to consider as you move forward with this rulemaking.

Our comments (including suggested changes) on proposed amendments to Rule Series 2200 are outlined below and correspond to the Clean Text copy of the proposed amendments, dated August 23, 2023¹.

Act 1 Recommendations & EQS

At the onset, we need to be very clear that **VISA supports the goals of Act 1 and the ethnic and social equity recommendations of the Act 1 Working Group**. It is unfortunate that some individuals and organizations continue to mischaracterize our position on this important work. It is equally frustrating that these individuals and organizations are trying to advance their own political objectives - which have nothing to do with ethnic and social equity studies - under the guise of Act 1.

We support the SBE's approach to apply a common set of ethnic and social equity principles to both the Education Quality Standards (EQS) and the Independent School Approval Rules (Rule Series 2000 and 2200, respectively). More specifically, **VISA supports the application of these ethnic and social equity principles to SBE Rule Series 2200**.

1

<https://education.vermont.gov/sites/aoe/files/documents/sbe-rule-2200-independent-school-program-app-oval-clean-text2-10-09-2023.pdf>

These principles are consistent with the core values shared by VISA and our member schools, which embrace and promote diversity, equity, inclusion and belonging within their schools, with practices, pedagogies, and curricula that are culturally responsive, anti-racist, and affirming of individual identities. The reality is that our member schools have been at the forefront of this work. Our independence has allowed us to quickly and flexibly adapt to the needs of the students we serve - which often outpaces the speed of regulatory change. Many of the students in our schools come from the very groups that Act 1 speaks to. All too often, these students have come to our schools from environments that were unwelcoming.

We agree with the SBE's conclusion that the unilateral application of the entire EQS rule series to approved independent schools is inconsistent with the statutory framework that governs independent and public schools. This statutory framework acknowledges different governance, accountability, and financial structures and provides specific direction to guide the SBE's rulemaking powers for the two regulated environments that operate within this framework. The very first section of 16 V.S.A. § 165, the statute that governs EQS, explicitly states that "*each Vermont public school... shall meet the following education quality standards...*" (our emphasis).² A different statute³ authorizes the SBE to promulgate rules governing the approval of *independent schools*, while another statute⁴ imposes a duty upon the SBE to grant, suspend, revoke, and renew approvals of *independent schools*, consistent with the SBE's *independent school* approval rules.

The distinctions between these two statutory constructs can be illustrated when examined through a different perspective. As an example, consider the implications of a proposal requiring all public schools to comply with Rule Series 2200 (the independent school approval rules) in their entirety. A rational evaluation of such a proposal would rightly conclude that this would be an inappropriate and unlawful exercise of the SBE's authority, since Rule Series 2200 is designed to give effect to a statutory duty the SBE has to grant (or deny) approval of independent schools. While the SBE has a statutory duty to grant (or deny) approval of an independent school at least every five years, it does not have similar authority to approve public schools.

The universal and unilateral application of EQS to approved independent schools would result in significant structural changes that are not only unrelated to the goals of Act 1, but as noted above, would be impermissible under Vermont's statutory framework. More fundamentally though, many of the EQS rules (unrelated to Act 1) just don't make sense in an independent school context.

EQS is designed for an education system that is wholly contained and managed by a superintendent. For example, EQS rules specify that schools must follow a curriculum developed by the supervisory union⁵ and that heads of school be supervised by the

² 16 V.S.A. § 165(a)

³ 16 V.S.A. § 164(14)

⁴ 16 V.S.A. § 166

⁵ Proposed EQS Rule 2120.6

superintendent⁶. As a practical matter, this would be unworkable, since most independent schools serve students from large (mostly rural) geographic catchment areas spanning multiple supervisory unions. Several of our member schools serve students from four or more supervisory unions. How would an independent school be expected to comply with EQS when it is expected to deliver four (or more) separate (potentially conflicting) curricula? How can the head of an independent school be supervised by four (or more) superintendents, when he or she is actually employed by the independent school's board of trustees?

The requirement that all educators hold a professional license is another challenge that EQS would cause for independent schools - one that would be highly disruptive at a time when Vermont is facing an educator workforce shortage. We respect and value the licensure that many Vermont educators have earned. In fact, many professionals at our member schools hold educator licenses. But as we have learned from experience, licensure is not the only indicator of educator quality, and it has the effect of creating a "paper ceiling"⁷⁸. This is particularly true for new Americans and professionals who may have come into education through a non-traditional route (such as a second career).

We want to acknowledge the SBE's stated intent⁹ to harmonize specific sections of Rule Series 2000 (EQS) and Rule Series 2200, namely the statement of purpose and definition of discrimination. We recognize and appreciate that the board is carefully reviewing this language to ensure conformance with applicable statutory law. We are supportive of language in these two sections that can be uniformly applied to both sets of rules and is consistent with legislative intent and underlying statutes.

To reiterate, we support the goals of Act 1 and the ethnic and social equity principles recommended by the Act 1 Working Group. EQS is not the correct rule series to advance this important work forward in the independent school world, but Rule Series 2200 is. We support the SBE's proposed amendments to Rule Series 2200 as the appropriate mechanism to apply these principles to independent schools. We do not support the application of unrelated provisions of EQS to independent schools.

2223.3.4. Maintaining Safe and Equitable Access to Educational Opportunities

For consistency of style, we suggest modifying 2223.3.4(j), (k), (l), (m), (n) as follows:

(j) practices that ensure compliance ~~comply~~ with requirements of 18 V.S.A. §1120 et seq., regarding the immunization of students against disease;

(k) ~~maintain~~ a policy pursuant to 16 V.S.A. §912 regarding a student's right to be excused from participating in any lesson, exercise, or assessment requiring the student to participate in or observe the dissection or harm of an animal;

⁶ Proposed EQS Rule 2121.1

⁷ <https://www.newamerica.org/education-policy/policy-papers/teacher-talent-untapped/>

⁸ <https://www.future-ed.org/the-obstacles-to-a-more-diverse-teacher-workforce/>

⁹ [October 12, 2023 Memo from SBE Chair Samuelson](#)

(l) procedures to ensure that provide students have access to menstrual products at no cost pursuant to 16 V.S.A. §1432;

(m) practices that ensure compliance ~~comply~~ with supporting and protecting the rights of married, pregnant, or parenting students pursuant to 16 V.S.A. §1073;

(n) practices that permit students with life-threatening allergies or with asthma to possess and self-administer emergency medication in accordance with 16 V.S.A. §1387;

2223.3.5 Other Required Activities

We suggest modifying 2223.3.5(e) to include the applicable statutory citation, as follows:

(e) comply with legal requirements of 16 V.S.A. § 568 concerning nondiscriminatory school branding;

For consistency of style with the rest of this section, we suggest modifying 2223.3.5(j), as follows:

(j) adopt policies related to record maintenance and retention that, at minimum, provide for the timely and confidential disposition of student records in the event of the school's closure; and

2223.4. Annual Compliance Assurance

VISA supports an annual compliance assurance, particularly as it relates to compliance with the SBE's anti-discrimination regulations and related state and federal laws. **Under our bylaws, VISA requires its member schools to adhere to anti-discrimination laws and regulations, without qualification, as a condition of membership in our organization. We oppose state approval or renewal of any school that is unwilling to adhere to anti-discrimination laws and regulations.** We view annual compliance assurance as an important tool to protect students and staff, and safeguard the integrity of our education system.

Our members are eager to demonstrate their steadfast commitment to Vermont's anti-discrimination regulations.

The proposed rule could be enhanced with the following changes:

- Specify that the submission of the annual assurance and associated supporting material will be handled electronically.
- Include a transition provision, which would require the AOE, within 60 days of the rule taking effect, to:
 - develop necessary assurance procedures, systems, and electronic forms
 - deliver online training and documentation to approved independent schools

- establish a deadline, not less than 30 days and not more than 90 days from the date the rule takes effect, for independent schools to submit an initial compliance assurance
- notify all approved independent schools of the compliance assurance requirement and the submission deadline via email and by posting on the AOE website
- Specify that the above initial compliance assurance would apply to the 2023/2024 school year, along with an assurance that the school intends to remain in full compliance for the 2024/2025 school year
- Specify the following deadlines for subsequent years (i.e. following the initial compliance submission during the transition period):
 - January 15th - AOE shall publish compliance assurance form and notify all approved independent schools (via email and posting on AOE website)
 - March 15th - approved independent schools must submit compliance attestation for current school year, along with an assurance that the school intends to remain in full compliance for the following school year
- In the case of any independent school that has failed to submit an acceptable compliance assurance form by the deadline, we recommend:
 - that the AOE notify the school via email AND by certified mail, with return receipt requested, and provide 10 business days - from the date the notification was sent - for the school to come into compliance.
 - that the notification includes a clear and prominently displayed statement that the school may lose its approval status if action is not taken.
- Require the AOE to maintain and regularly update a register of approved independent schools and their compliance assurance status, which shall be a public record.

2224.1.1. Standard Application

We suggest that the following sentence be modified to clarify that information solicited through the application process must be directly related to a requirement under these rules:

“At a minimum, the application shall solicit the information containing or describing the school’s basic information, mission statement, enrollment policy, curriculum, methods of instruction, evaluation procedures, special services provided, governance information, evidence of compliance with local, state, and federal laws and regulations, staffing and instructional strategies, fiscal practices and evidence of financial capacity, operational information, ~~appropriate~~ assurances or disclosures required under these rules, a request to receive public funds, if applicable, and ~~any~~ other information required under these rules for ~~that~~ the Secretary, Board, or review committee ~~may deem important in considering~~ to determine whether the school meets requirements for approval.”

Section 2227. Recognized Accrediting Agencies

Given the fact that Vermont law prohibits new approvals of independent schools, VISA anticipates that there will be limited demand for new accreditations of independent schools. The two accrediting bodies (NEASC and AISNE) currently recognized by the SBE are well

established and respected for their comprehensive accreditation standards and practices. VISA recommends against the addition of a process and criteria to recognize additional accrediting organizations; we ask that the SBE limit recognition to NEASC, AISNE, and their successors (e.g. in the event of a name change, merger, or acquisition).

With limited demand for additional accreditation options, focusing on the two existing recognized accreditors will maintain confidence in the external accreditation process and eliminate the risk of a less rigorous accreditor becoming recognized. Our member schools and the families they serve place a high value on the quality and familiarity of accreditation provided by the two organizations who are already recognized. We do not want to see this value diminished or diluted in any way.

General Comments Regarding Accountability

We are aware of comments received by the SBE suggesting that the current and proposed independent school approval rules provide insufficient accountability, particularly in the context of publicly funded students. We respectfully disagree with these assertions and would like to point out that there are several areas within the current regulatory framework where approved independent schools are actually held to high standards of accountability (and in some ways, to a higher accountability standard than our public and recognized school peers).

- **State Level Review & Approval by SBE** - all Vermont approved independent schools are subject to review (following a review and recommendation by the AOE) by the SBE at least once every five years through a process designed to ensure compliance with the approval standards and regulations set forth in the rules. This is a transparent and accountable process, conducted in public by the SBE. This process does not apply to public schools or recognized schools.
- **State Level Complaint Process** - Rule Series 2200 provides a formal process that allows for members of the public to submit complaints to the AOE about an approved independent school, which can then trigger an investigation and action up to and including suspension and revocation of an independent school's approval status. Under existing rules, the AOE is required to maintain a register of complaints, which is a public document. Public schools are exempt from this process. There is no similar state-level process mandated in rules that permits members of the public to lodge a complaint about a public school directly with the AOE or SBE.
- **Approved Independent Schools Are Accountable to Local Communities** - The accountability of approved independent schools serving students tuitioned from non-operating public school districts ties directly back to 16 V.S.A. § 821 and 822. Under these statutes, voters have the power to choose whether they want their school district to operate a public school or pay tuition for their students to attend schools not operated by the district. This is a powerful accountability mechanism: if independent schools are not meeting the needs of the local community, the voters have the power to take control and end tuitioning with a simple majority vote of the electorate.

- **Approved Independent Schools Are Accountable to Students & Families -**
Fundamentally, approved independent schools are accountable to the students and families they serve. Students who attend our schools do so by choice. Inevitably there are circumstances where a student and/or family decides that one school better serves the needs of a student than the one he or she attends. This is not uncommon; in fact, our member schools often serve families with siblings attending different independent schools. But when there is a systemic problem with a particular school the impact on enrollment typically yields corrective action before the underlying issue becomes a regulatory compliance issue.
- **Special Education Accountability Through IEP Process -** students attending approved independent schools (including therapeutic schools) on an Individualized Education Plan (IEP) are held accountable to that student's individual needs through the robust IEP process by the IEP team, which includes the local LEA.

Conclusion

We hope you found these comments helpful. We would like to point out that the SBE recently adopted a major revision to Rule Series 2200, the final elements of which just took effect in July of this year. This was a multi-year effort that involved input from multiple stakeholders and other members of the public. Given the recency of those updates, and the magnitude of change that we are still adapting to, we would respectfully request that you reject any last-minute proposals for significant changes during this rulemaking, particularly any proposals that were already considered during the last update to Rule Series 2200.

Our member schools remain committed to working in partnership with the local communities we serve and our peers in the public school system to address 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.

We appreciate your service to our state and your commitment to Vermont students. Please feel free to contact us if we can be of any assistance as you move forward with your rulemaking process.

Sincerely,

VISA Executive Committee

Tim Newbold, President (Village School of North Bennington)
Jennifer Zaccara, Vice-President (Vermont Academy)
Tamara Mount, Treasurer (Hilltop Montessori School)
Andrew Lane, Secretary (The Sharon Academy)
Drew Gradinger (Kindle Farm School)

Sharon Howell (St. Johnsbury Academy)
Colin Igoe (Long Trail School)
CJ Spirito (Rockpoint School)
Mark Tashjian (Burr and Burton Academy)

Good Afternoon,

Thank you for your very thoughtful and intentional work to date on behalf of our students in Vermont. Additionally, thank you for a wonderful session today (re: public hearing). The public hearings are a great place to ensure all voices can have a platform for comment.

Stratton Mountain School supports the updates to Rule Series 2200. Specifically those ethnic and social equity study recommendations of the Act 1 working group to independent schools. Furthermore, Stratton Mountain School supports requiring an annual compliance attestation as a mechanism to keep independent schools free of discriminatory practices, but we oppose efforts to unilaterally apply EQS rules to independent schools.

Respectfully,
Carson

Carson A. Thurber (he/him)

Head of School ▪ Stratton Mountain
School

7 World Cup Circle, Stratton Mountain,
VT 05155

www.gosms.org

Good afternoon. My name is Laurie Boswell and I serve on the board of trustees at Lyndon Institute. My entire professional life has been spent in K-12 schools and my comments today are on behalf of Lyndon Institute.

Two years ago, substantial revisions to Rule Series 2200 were made in response to Act 173. It is my understanding that the State Board of Education now seeks to make additional changes for purposes of clarity and inclusivity of stakeholders' perspectives. I would like to speak in support of two proposed changes.

Last school year a group of Lyndon faculty, staff, trustees, and parents worked collaboratively to develop a diversity, equity, and inclusion statement. I believe the DEI statement was overdue, though ultimately the process allowed for important dialogue, listening, and understanding to occur. It is because of this work I can assure you Lyndon Institute supports the draft recommendations put forth by the working group on ethnic and social equity. Certainly, all students should have access and opportunity for learning in a welcoming, inclusive, bias-free environment. Moreover, Lyndon Institute supports the recommendation that Vermont independent schools be free of discriminatory practices and that independent schools attest to such annually.

These two recommended changes are in alignment with the values, practices, and culture of Lyndon Institute. Minor adjustments to Rule Series 2200 are appropriate as the full scope of revisions are still being integrated into practice.

However, I am concerned about the slippery slope I fear may be coming. I want to be clear that as a trustee at Lyndon Institute, I do not support any effort to unilaterally apply the full set of Education Quality Standards to independent schools. While all schools are in the business of educating the students they serve, public and independent schools have different governance structures. These structures do not advantage nor disadvantage either school model with respect to a school's obligation to provide a high quality, equitable education for all students they serve.

I therefore encourage you to proceed slowly with proposed changes to Rule Series 2200 as you work on behalf of Vermont students. Thank you.



Vermont
Superintendents
Association



vermont  nea
THE UNION OF VERMONT EDUCATORS

TO: State Board of Education

FROM: Vermont School Boards Association, Vermont Superintendents Association,
Vermont Principals' Association and Vermont-NEA

RE: Public Comments - Rule Series 2200

DATE: December 4, 2023

The Education Equity Alliance, which is comprised of the Vermont School Boards Association, Vermont Superintendents Association, Vermont Principals' Association and Vermont- NEA, believes that all students who receive a publicly funded education should have the benefit of an education program that is inclusive, anti-racist, anti-discriminatory, equitable, and culturally responsive, as intended by the legislature.

Unfortunately, the Vermont State Board of Education's proposed changes to the Rule 2200 series fail to ensure that students at publicly funded private schools receive the **same** inclusive, anti-racist, anti- discriminatory, equitable, and culturally responsive education as students in public schools.

The same rules should apply to all schools that provide a publicly funded education to Vermont students. The State Board does not apply the same rules - it requires public schools to follow the Rule 2000 Series (Education Quality Standards) and private schools, including those that receive public tuition, to follow the Rule 2200 Series (Independent School Approval Program). The Education Equity Alliance does not support two separate systems for Vermont's publicly funded students, one which provides comprehensive, strong quality standards for public schools and another which contains less comprehensive and weaker quality standards for private schools that receive public tuition.



EDUCATION EQUITY
ALLIANCE

1. The State Board asserts that it is applying the same requirements in the two sets of rules but that is not factually correct. This memorandum outlines major differences we have identified between the Rule 2000 Series and the Rule 2200 Series and requests that those differences be corrected.
2. The State Board's proposed changes to the Rule 2200 Series differ from the Rule 2000 series in the following ways:
 - a. Definitions of the same words differ in the two sets of rules - they should be the same:
 - i. The word "Discrimination" is defined differently in 2200 and 2000, resulting in private schools being held to a less stringent standard
 - ii. The term "Restorative Practices" is defined differently in 2200 and 2000
 - b. Definitions of the following words are included in the Rule 2000 series and omitted from the Rule 2200 series, pointing to areas that are not covered by the Rule 2200 series:
 - i. "Academic record"
 - ii. "Career and technical education"
 - iii. "Education support team"
 - iv. "Educational technology"
 - v. "Educator mentoring"
 - vi. "Equity or equitable"
 - vii. "Evidence-based"
 - viii. "Needs-based professional learning"
 - ix. "Personalized learning plan"
 - x. "Proficiency based learning"
 - xi. "Proficiency based graduation requirements"
 - xii. "Racial discrimination"
 - xiii. "Technology integration"
 - xiv. "Transcript"
 - xv. "Transferable skills"
 - xvi. "Universally designed instruction"
 - c. Complete sections of the Rule 2000 Series are missing from the Rule 2200 Series
 - i. Professional Learning for public schools is covered in Rule 2121.3 and is missing entirely from the 2200 Series for private schools. This means there is no requirement for private schools to provide ongoing professional learning, resources and supports for professional staff to:

1. create and strengthen an anti-racist, inclusive and culturally and linguistically responsive school experience for all students and
 2. cultivate the knowledge, skills and practices required to identify and remediate prohibited discrimination
- ii. Access to Instructional Materials in public schools is covered in Rule 2122.2 and is missing entirely from the Rule 2200 Series for private schools. This means that private schools are not required to:
1. Develop and maintain a collection of accessible print, multi-media alternate format (e.g. high quality audio files, electronic braille, and other forms of E-texts) resources
 2. Ensure that curriculum is supported by accessible digital, multi-media, and alternate format resources
 3. Ensure that students, teachers, administrators and paraprofessionals have access to a an organized collection of digital, multi-media, alternate format and print materials sufficient and appropriate to support all students in meeting or exceeding the current state and national standards at no cost to the student
- iii. Local Comprehensive Assessment Systems for public schools (including specifics related to English Language Learners) are covered in Rule 2123 and are missing entirely from the Rule 2200 Series for private schools. This means that private schools are not required to implement a local comprehensive assessment system that establishes annual protocols and timelines for assessing the progress and needs of English Language Learners beginning at the point of enrollment and continuing at designate intervals during the year
- iv. Reporting of results for public schools is covered in Rule 2124 and is missing entirely from the Rule 2200 Series for private schools
1. reporting requirements are robust in Rule 2124 for public schools and offer transparency for areas related to equity, including:
 - a. Academic performance
 - b. Graduation, dropout, retention and attendance rates
 - c. Enrollment in and completion of flexible pathways and career and technical education
 - d. Social and emotional wellbeing

- e. Discipline, including suspensions and detention actions
 - f. Incidents of hazing, harassment and bullying
 - g. Referral to and participation in programs for students with disabilities, including Section 504 and special education
 - h. Enrollment in and completion of flexible pathways, career training, advanced placement courses and extracurricular activities
2. Rule 2124 requires public schools to report on disaggregated data at least by school and according to student subgroups, including students identified:
- a. As economically disadvantaged
 - b. From major racial and ethnic groups
 - c. As having a disability (includes reporting on students with Section 504 plans and students with individualized education programs, separately and in total)
 - d. With limited English proficiency
 - e. As students who are publicly funded to attend an approved independent school
3. Additional Areas of Concern in Proposed Changes to Rule 2200 Series
- a. Rule 2223.4 includes a vague and broad annual compliance assurance that “each approved school shall attest to continued compliance with applicable requirements of this rule and federal and state law on an annual basis.”
 - i. the assurance language in Rule 2223.4 should emphasize nondiscrimination - it is not mentioned
 - ii. rule 2223.4 is weak on accountability
 - 1. If a school fails to submit a compliance form, the rules require a lengthy investigation and process that gives the State Board discretion to “revoke, suspend or impose conditions on approval” of a private school only if the Board determines that the school “intentionally violated” subsection 2223.4. Is “intentional violation” the correct standard to be using?
 - 2. Rules 2226.2/2226.3 (Due Process and Investigations) do not provide for notification of LEAs when private schools are under investigation or allow LEAs to withhold public tuition during the investigation.

3. LEAs should be notified of any investigation of a private school receiving taxpayer funds and have clear authority to protect public tax dollars, up to and including withholding tuition payments pending resolution of the investigation.
- b. Proposed Rule 2224.2 allows an abbreviated approval process for accredited schools.
 - i. Under rule 2224.2.1, accredited schools do not need to attest to compliance with 2223.3.3 (Instruction, Faculty and Special Services) or 2229 (Approval to Receive Public Tuition; Special Education Approval) in their application and review process.
 - ii. Without such attestation, it is unclear how compliance with these critical equity requirements will be measured and enforced. Please consider strengthening this section.
 - c. Proposed Rule 2223.5(f) requires private schools to provide data related to assessments of publicly funded students to the Secretary and encourages them to provide the data to local education agencies
 - i. Private schools should be required to provide assessment data to local education agencies as well as the Secretary
 - d. Proposed Rule 2223.5 states that information provided by a school under the Rule 2200 series that is not already in the public domain shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential
 - i. Information provided by schools under the Rule 2200 series should not be exempt from the Public Records Act
 - ii. Making Information provided by schools under the Rule 2200 series “confidential” is non-transparent. When private schools are receiving public funds, the public should have the right to access information provided by those schools under the Rule 2200 series.
 - e. Proposed Rule 2224.5 allows extension of approval of a school completing a timely application for further approval until the State Board acts on further approval. This leaves the timeline wide open and the result is extensions that last for years. This provision should be eliminated or time constraints should be added.
 - f. Proposed Rule 2224.7 should include a reasonable deadline for the Secretary to process applications. Currently, there are applications that are taking over two years to process.
 - g. The investigation process in proposed Rule 2226.2.2 is prolonged and drawn out.
 - i. The process should be shortened by allowing a complainant to file a complaint directly with the State Board. Additionally, provisions

should be added requiring notification of LEAs when private schools are under investigation and allowing LEAs to withhold public tuition pending resolution of the investigation.

- ii. Rule 2226.2.2(g) should be modified to require the Secretary to maintain a public register of all complaints received (rather than just those that result in probation or a formal investigation)

Thank you for the opportunity to provide written comments on the State Board's Rule 2200 series.



Mary Newman
Head of School

The State Board of Education
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Montpelier, VT 05620-2501

From: Mary Newman, Head of School, The Sharon Academy

Subject: Feedback on Proposed Changes to Rule Series 2200

On behalf of The Sharon Academy, I am writing to express our strong support for the proposed updates to Rule Series 2200. These changes reflect a thoughtful and balanced approach to evolving educational standards, and we are particularly gratified by the incorporation of recommendations from the Act 1 Working Group, which focus on ethnic and social equity studies.

As an institution with a significant number of marginalized students, we recognize the importance of these updates in promoting a more inclusive and equitable educational environment. The proposed rules align well with our commitment to continuous development in meeting the diverse needs of our student body.

We also welcome the effort to reorganize the rules for improved clarity and accessibility. This makes it easier for schools like ours to understand and adhere to the guidelines, ensuring better compliance and implementation.

The requirement for approved independent schools to provide annual compliance attestations is a positive step towards maintaining high educational standards and accountability. It is crucial for independent schools to remain in compliance with state and federal rules and regulations, and this annual attestation process reinforces that commitment.

Additionally, we support the establishment of a process for external accreditation agencies to be recognized as accreditors by the State Board of Education. This helps in maintaining the quality and integrity of independent schools.

While we appreciate the significant revisions made to Rule Series 2200 a few years ago, we believe that the current proposed updates are beneficial additions. We would like to emphasize the need for a period of stability following these updates, allowing schools to fully integrate and adapt to these changes.

Lastly, we would like to extend our thanks to the State Board of Education for their diligent work and for providing a platform for public input. This collaborative approach is essential for the continuous improvement of our educational system.

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Mary Newman
Head of School

We look forward to the successful implementation of these updates and are eager to continue contributing positively to Vermont's educational landscape.

Thank you for considering our feedback.

Sincerely,

Mary Newman

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