

Administrative Procedures – Final Proposed Rule Filing

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

**PLEASE REMOVE ANY COVERSHEET OR FORM NOT
REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Recognized Accrediting Agencies and Relationship with Other Entities

_____/s/ Oliver Olsen_____, on 1/19/2022
(signature) (date)

Printed Name and Title:

Oliver Olsen, Chair
State Board of Education

RECEIVED BY: _____

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Minutes
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:

Recognized Accrediting Agencies and Relationship with Other Entities

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

21P-035

3. ADOPTING AGENCY:

State Board of Education

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Donna Russo-Savage

Agency: Education

Mailing Address: 1 National Life Drive, Davis 5,
Montpelier, VT 05620

Telephone: 802 828 - 0110 Fax: 802 828 - 6430

E-Mail: Donna.RussoSavage@vermont.gov

Web URL(*WHERE THE RULE WILL BE POSTED*):

education.vermont.gov/state-board-councils/state-board/rulemaking

5. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Emily Simmons

Agency: Education

Mailing Address: 1 National Life Drive, Davis 5,
Montpelier, VT 05620

Telephone: 802 828 - 1518 Fax: 802 828 - 6430

E-Mail: Emily.Simmons@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

16 V.S.A. § 164(7) and (14).

8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

Vermont law requires the State Board of Education to approve independent schools offering elementary or secondary education if the Board finds both that the school "provides a minimum course of study pursuant to section 906 of [Title 16] and that it substantially complies with the Board's rules for approved independent schools." State Board Rule 2223 permits the Board to grant approval to an independent school that is accredited by an entity listed in Rule 7320, without the need for additional evaluation or process.

9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

14. CONCISE SUMMARY (150 WORDS OR LESS):

In this filing, the State Board first proposes to repeal Rule 7320 effective July 1, 2024. This proposed amendment is an initial step in a larger plan to incorporate all discussion of accrediting agencies directly within the Rule 2200 Series. The Board intends to initiate a separate rulemaking process to amend the 2200 Series, and anticipates that the 2200 amendments will be effective on or before July 1, 2024 -- thus

Final Proposed Coversheet

rendering Rule 7320 both obsolete and unnecessary at that time.

Second, the Board proposes to repeal all other rules within the Rule 7000 Series effective 15 days after the amendment's adoption per 3 V.S.A. § 845 in order to eliminate rules that provide no independent information, but instead cite other statutes and rules.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

By establishing the repeal of Rule 7320 on a date three years in the future, the State Board will take the first step forward in its plan (i) to review the names and continued existence of agencies currently listed in Rule 7320 and (ii) to either identify all relevant accrediting entities within the 2200 Series or amend that Series to include substantive requirements and a process to recognize accrediting agencies.

The State Board intends to recognize the Association of Independent Schools in New England ("AISNE") as an accrediting agency as part of the current Rule 2200 Series amendments so that the Board's long-term plans explained above do not delay the Board's recognition of AISNE.

The more immediate repeal of all other rules in the 7000 series will allow the Board to remove rules from its Manual that serve no discernable purpose.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

All independent schools are eligible to seek "approved" status from the State Board of Education either through the Board's own evaluation process or, as a matter of reciprocity, through accreditation by an entity recognized by the State Board in Rule 7320. The State Board intends to initiate a second phase of amendments to the Rule 2200 series in 2022 or 2023 that will, in part, incorporate recognition of accrediting agencies into the 2200 Series or provide a process for recognition.

By establishing the repeal of Rule 7320 on a date three years in the future, all affected entities and other interested parties have ample time to justify an entity's continued status as a recognized accrediting agency under State Board rules, and to provide updates

Final Proposed Coversheet

as to the entity's name or location, before the second phase of amendments to the 2200 Series are final.

17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

School districts; independent schools; parents; advocacy groups; accrediting agencies; the Agency of Education

18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

The State Board does not anticipate that the proposed changes to the Rule 7000 Series outlined in this filing will have an economic impact on any individual or entity.

If potential economic impacts arise in later phases of the Board's long-term plans regarding accrediting entities (see Paragraph 8 above), then those impacts will arise in the context of amendments to the 2200 Series and will be addressed in the rule filings associated with those later proposed amendments.

19. A HEARING WAS HELD.

20. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 12/1/2021

Time: 04:00 PM

Street Address: The hearing will be held virtually. A staffed physical location will be provided at:

Agency of Education

1 National Life Drive

Davis 5 (Fifth Floor)

Montpelier, VT

Zip Code: 05620-2501

Date:

Time: AM

Street Address:

Zip Code:

Final Proposed Coversheet

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

12/10/2021

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

independent school

accreditation

tuition

Administrative Procedures – Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

Recognized Accrediting Agencies and Relationship with Other Entities

2. ADOPTING AGENCY:

State Board of Education

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment as long as the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

State Board of Education Manual circa 1981; SOS Log# & last adoption effective date unknown; CVR 22 000 016

Administrative Procedures – Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn't appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

Recognized Accrediting Agencies and Relationship with Other Entities

2. ADOPTING AGENCY:

State Board of Education

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

School districts; independent schools; parents; advocacy groups; accrediting agencies; the Agency of Education

4. IMPACT ON SCHOOLS:

Economic Impact Analysis

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

The State Board does not anticipate that the proposed changes to the Rule 7000 Series outlined in this filing will have an economic impact on "public education, public schools, local school districts and/or taxpayers."

If potential economic impacts arise in later phases of the Board's long-term plans regarding accrediting entities, then those impacts will arise in the context of amendments to the 2200 Series and will be addressed in the rule filings associated with those later proposed amendments.

5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

As there are no anticipated costs to local school districts arising from the proposed changes outlined in this filing, no alternatives were considered.

6. IMPACT ON SMALL BUSINESSES:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

No impact is anticipated for small businesses.

7. SMALL BUSINESS COMPLIANCE: *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

No cost/burden of compliance is anticipated for small businesses.

8. COMPARISON:

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

As there are no anticipated costs arising from the proposed changes outlined in this filing, no alternatives were considered. As no alternatives were considered, no comparisons were made.

9. SUFFICIENCY: *EXPLAIN THE SUFFICIENCY OF THIS ECONOMIC IMPACT ANALYSIS.*

Because the proposed amendments would not currently alter the list of accrediting agencies recognized in Rule 7320 and would repeal other rules in the 7000 Series that provide no independent information, the amendments would have no economic impact. Organizations representing some of the entities listed in Rule 7320 were involved both in discussions leading to the proposed amendment to Rule 2223 (in a separate, ongoing rule filing) that recognizes AISNE as an accrediting entity and also in discussions regarding the State Board's desire to update the list of recognized accrediting agencies and clarify the process by which an accrediting agency will be recognized. Although not all of the accrediting agencies currently listed in Rule 7320 have been involved in the instant filing, the Board will attempt to notify each regarding the scheduled public hearing. In addition, input from each of them will be sought in connection with the State Board's second round of rulemaking in connection with the Rule 2200 Series, which is anticipated to begin in the spring of 2022. It is solely in connection with those future, potential, proposed amendments to the Rule 2200 Series that economic impacts might arise.

Administrative Procedures – Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

Recognized Accrediting Agencies and Relationship with Other Entities

2. ADOPTING AGENCY:

State Board of Education

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

None .

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

None .

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

None .

6. RECREATION: *EXPLAIN HOW THE RULE IMPACT RECREATION IN THE STATE:*

None .

Environmental Impact Analysis

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*
None.
8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*
None.
9. **SUFFICIENCY:** *EXPLAIN THE SUFFICIENCY OF THIS ENVIRONMENTAL IMPACT ANALYSIS.*
None.

Administrative Procedures – Public Input

Instructions:

In completing the public input statement, an agency describes the strategy prescribed by ICAR to maximize public input, what it did do, or will do to comply with that plan to maximize the involvement of the public in the development of the rule.

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

Recognized Accrediting Agencies and Relationship with Other Entities

2. ADOPTING AGENCY:

State Board of Education

3. PLEASE DESCRIBE THE STRATEGY PRESCRIBED BY ICAR TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE:

In order to maximize public involvement in the development of the proposed amendments to the Rule 7000 Series, the State Board of Education and the Agency of Education notified each of the accrediting agencies listed in Rule 7320, as well as associations representing school districts and independent schools and other stakeholders, of the proposed rule filing and related public hearing.

4. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

In March 2021, the Executive Director of AISNE asked the State Board to include the organization on the list of recognized accrediting entities in Rule 7320. AISNE representatives subsequently attended a meeting of the State Board's Rule 2200 (independent school rules) Subcommittee where they presented an overview of the organization and responded to questions. The headmaster of Burr and Burton Academy sent an email of support for AISNE's recognition.

Public Input

The Rule 2200 Subcommittee had further discussion of the proposed amendments at its meeting on August 2, 2021, including the need to update the other names currently on the Rule 7320 list, the intent to shift the topic of recognized accrediting agencies out of Rule 7320 and into the Rule 2200 Series, and the desire not to delay the recognition of AISNE. The Executive Director of the VT Independent Schools Association was present and indicated the Association's support for recognizing AISNE as soon as possible.

At its August 18, 2021 meeting, the State Board reviewed a proposed, multi-step process to incorporate recognition of accrediting agencies into the 2200 Series, including the Agency's suggested language (to be proposed during the public comment period for the 2200 Series) to amend Rule 2223 to explicitly identify AISNE as a recognized accrediting agency and give notice in Rule 2223 of the State Board's intent to repeal Rule 7320 in 2024. The State Board's August 2021 agenda included the opportunity for public comment.

At its September 15, 2021 meeting, the State Board reviewed the proposed amendments to the Rule 7000 Series and provided the opportunity for public comment.

The Board posted the proposed amendments to the Rule 7000 Series on the Agency's website with notice of the opportunity for public comment, held one (1) public hearing, and considered all written and oral comments submitted.

The public hearing was advertised through various communication methods, including (i) postings on the Agency's website and in its weekly field memo sent to a broad array of public and private entities involved with education in Vermont, (ii) direct communications with the accrediting entities listed in Rule 7320 and related professional associations (e.g., the Vermont School Boards Association), and (iii) announcements at monthly State Board meetings.

The State Board continued to accept written public comments for nine days following the scheduled public hearing.

Public Input

5. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

State Board of Education

Agency of Education

Council of Independent Schools

Vermont Independent Schools Association

Vermont National Education Association

Vermont School Boards Association

Vermont Superintendents Association

Recognized accrediting agencies listed in Rule 7320