

AGENCY OF EDUCATION
Barre, Vermont

TEAM: Legal Team

ACTION ITEM: Will the State Board of Education authorize the Agency of Education to file the final proposed State Board Rule 7000 Series amendments with the Legislative Committee on Administrative Rules (LCAR) and the Secretary of State for review?

SECRETARY'S RECOMMENDED ACTION: That the State Board of Education authorize the Agency of Education to file the final proposed State Board Rule 7000 Series amendments with LCAR and the Secretary of State for review.

STATUTORY AUTHORITY: 16 V.S.A. § 164(7) and (14), 16 V.S.A. § 166(b), Rule 7000 Series

BACKGROUND INFORMATION: 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.” 16 V.S.A. § 166(b). State Board Rule 2223 permits the Board to grant approval to an independent school that is accredited by an agency listed in Rule 7320 without the need for additional evaluation or process.

The proposed amendment would repeal Rule 7320, effective July 1, 2024, as an initial step in the Board’s long-term plan to incorporate all discussion of accrediting agencies into the Rule 2200 Series.¹ The Board has indicated its intent to initiate a separate rulemaking process to make changes to the 2200 Series shortly after the current 2200 Series amendment process has concluded. It is expected that this second set of proposed amendments to the 2200 Series will be effective on or before July 1, 2024, rendering Rule 7320 both obsolete and unnecessary before its repeal date.

In addition, the proposed amendment would immediately repeal all other rules in the 7000 Series because they do not provide any new, substantive language, but rather cross-reference a statute or rule that addresses the topic of the rule’s title.

The attached text of the Rule 7000 Series includes changes suggested at the December 1, 2020 public hearing. A letter from the Board’s Chair to LCAR explaining those changes is also attached.

STAFF AVAILABLE: Donna Russo-Savage, Staff Attorney

¹ In connection with the State Board’s long-term plan, the Agency anticipates that the Board will add the Association of Independent Schools in New England (AISNE) to Rule 2223 as part of the Board’s current amendments to the Rule 2200 Series.