

Remarks of John Carroll, Chair, Vermont State Board of Education, after unanimous adoption of Resolution concerning Secretary French's inaction re Kurn Hattin Homes.

6 November 2020

As the resolution passed by the Board just now makes very clear, the Secretary of Education has failed to comply with the requirements of statute and rule, thus leaving the State Board kind of high-and-dry. It's been two months now since questions about Kurn Hattin Homes first arose. The Secretary's inaction leaves these questions unaddressed and unanswered. In fairness to all parties – not least to Kurn Hattin itself – these questions deserve prompt attention and resolution.

To be clear, the State Board cannot, by law, go off on its own and investigate reports about what might be going on at a Vermont school – whether it be a public school or an independent school. The Board's authorities are limited by statute, rule, and legal convention -- and properly so!

In the event there are troubling reports about an independent school, it is the Secretary of Education's duty to investigate and bring evidence to the State Board. Then, it is the Board's duty to conduct a hearing – a quasi-judicial proceeding in which the Board examines the evidence presented by the Secretary of Education. At the hearing, the Board must give the school an opportunity to respond. After hearing the evidence, the Board, by law, must make findings of fact. Then the Board may, if warranted by the facts, issue orders that revoke or suspend a school's status as "an approved independent school".

So the Board's role in matters such as this is a bit like that of a court. We can't go looking for evidence, and we cannot consider any information brought to us "outside the courtroom", as it were – that is to say, outside a properly convened hearing. In fact, we can't do a darned thing until the Agency of Education mobilizes itself to investigate reports it has received, brings to the Board its recommendation, and presents the Board with evidence that bears upon the school's status as an 'approved independent school'. Then, and only then, can the State Board convene a hearing on the matter and take action.

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All of which bears upon the last item in our agenda today – namely the “public to be heard” section of our agenda. In the interests of making ourselves available to the people of Vermont, we always provide a public comment period at our meetings. However, because of the Board’s unique role as a quasi-judicial body, we must ask that members of the public *not* make comment to the Board on any matter that might come before the Board in its quasi-judicial capacity.

I understand that this restriction might be frustrating for some members of the public who may wish to speak. But keep in mind that you are welcome – even encouraged – to bring any concerns you may have about *any* school -- whether it be a public school or an independent school – to the attention of the Secretary of Education.

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