

STATEMENT BY CHAIR

This morning the State Board of Education issued its decision in four appeals brought by families living in school districts that tuition their high school students to other public schools or approved independent schools. In these cases, the families asked their school districts to pay tuition for the 2020/21 school year to the school attended by their child; the requests were denied by their local school boards; and the families appealed to the State Board of Education pursuant to 16 V.S.A. § 828.

Because the four appeals all involve the issue of tuition payments to religious schools, the Board has issued a single opinion that addresses all four matters.

One of the appeals became moot, and is dismissed, because the school district reconsidered its decision and agreed to pay tuition as requested.

As explained in the Board's written opinion, the other three appeals required the Board to harmonize, to the best of its ability, the requirements of the federal and state constitutions. Based on controlling law and the limited record before the Board in these appeals, the Board has concluded that the three tuition denials must be reversed. The Board has accordingly ordered that the three school districts pay tuition as requested by the families for the 2020/21 school year.

The Board's decision has been issued to the parties and will be posted this morning on the Board's website. Because these appeals may be subject to further review or proceedings, the Board cannot discuss or comment further on the decision.

Separate and apart from the decision, which is addressed to the specific facts of those cases, there remain unsettled issues and questions in this area where this Board or the Legislature may wish to provide guidance. Moving forward, the Board may take up some issues through rulemaking.