

AGENCY OF EDUCATION
Montpelier, Vermont

TEAM: School Finance

ITEM: Will the State Board of Education grant renewal of independent school approval to serve students in the twelfth grade to Vermont Academy of Science and Technology (VAST), Randolph, VT, based upon the review by the Agency of Education and notification of continued New England Commission of Higher Education (NECHE) accreditation?

SECRETARY'S RECOMMENDED ACTION:

That the State Board of Education grants renewal of independent school approval to serve students in the twelfth grade to Vermont Academy of Science and Technology (VAST), Randolph, VT, based upon the review by the Agency of Education and notification of continued New England Commission of High Education (NECHE) accreditation. This approval is for four years through November 1, 2025.

This approval is conditioned on the requirement that the school reports to the Agency of Education within five business days whenever any changes occur in enrollment, programs, policies, facilities, financial capacity, staffing or administration during the approval period,

and

The lawful requirements pertaining to facilities in 2226.8 include compliance with Vermont's Public Accommodations Act (9 V.S.A. § 4500 - 4502), which prohibits discrimination on the basis of race, creed, color, national origin, marital status, sex, sexual orientation, or gender identity of any person in a "...school, restaurant, store, establishment, or other facility..."

2. The lawful requirements pertaining to fire drills in 2226.8 includes compliance with 16 V.S.A. § 1481, which, among other things, requires that "a drill shall be held at least once in each month during the school year and a record of the date and time of the drill, together with the time consumed in completing the procedure, shall be kept in the official school register, and such register shall be open at all times for inspection by representatives from the Fire Safety Division of the Department of Public Safety or the Agency of Education." * See # 8 below

3. The lawful requirements pertaining to immunizations in 2226.8 include compliance with 18 V.S.A. § 1121, which includes a requirement that "no person may enroll as a student in a Vermont school, regardless of whether the student has been enrolled in the school during a previous school year, unless the appropriate school official has received a record or certificate of immunization issued by a licensed health care practitioner or a health clinic that the person has received required immunizations appropriate to age as specified by the Vermont Department of Health."

4. General compliance with state and federal health and safety regulations, as referenced in Rule 2225.7, which, among other things, would include 33 V.S.A. § 4913, requiring "any mandated

reporter who reasonably suspects abuse or neglect of a child shall report in accordance with the provisions of section 4914 of this title within 24 hours of the time information regarding the suspected abuse or neglect was first received or observed,” and 16 V.S.A. § 255, requiring background checks for employees or other persons having unsupervised contact with children.

STATUTORY AUTHORITY: Title 16 V.S.A. § 166 (b)
State Board Rule: 2223

BACKGROUND INFORMATION:

1. An independent school may operate and provide elementary and secondary education if it is approved by the State Board of Education.
2. The State Board of Education shall approve an independent school if it substantially complies with the Board’s rules for independent schools, promulgated as Series 2200 (Independent School Program Approval).
3. The Vermont Academy of Science and Technology (VAST) is seeking renewal of independent school approval. VAST was last granted renewal of approval on April 18, 2017 through November 11, 2020.
4. Pursuant to SBE Rule 2223, the State Board of Education may grant independent school approval to an accredited school upon evidence the school is continuing to meet the standards for accreditation.
5. Vermont Technical College (VTC) established the Vermont Academy of Science and Technology (VAST) to serve students in the twelfth grade. The students are afforded an opportunity to complete their senior year of high school and their first year of an associate degree program, simultaneously.
6. Vermont Technical College is accredited by the New England Commission of Higher Education (NECHE). NECHE is a branch of the New England Association of Schools and Colleges (NEASC). In late 2018, NEASC had to complete a corporate restructuring in order to align with the U. S. Department of Education’s requirement that the NEASC higher education commission operate as a “separate and independent” entity. This branch of NEASC became the New England Commission of Higher Education, Inc. (NECHE), and it continues to operate under NEASC. By complying with this legal requirement, this ensures that NECHE will remain the gatekeeper for access to federal financial aid by students of New England’s colleges and universities. Other than the usual updates, the next major responsibility for VAST will be the Five-Year Report which is due on August 15, 2025.

The NECHE colleagues are located within the NEASC suite of offices and share resources with the three NEASC Commissions. The restructuring has been seamless and enables both

entities to pursue their unique missions as well as to collaborate across the K-16 continuum in ways that serve the interests of the entire membership. NEASC remains committed to working closely with our higher education colleagues to explore opportunities to enhance the value of accreditation in supporting the educational success and college readiness of our students.

7. VAST received initial approval from the State Board of Education on June 20, 1989 through June of 1990. Subsequent renewals have enabled VAST to hold SBE independent school approval continuously since that time.
8. **Fire Drills:** 16 V.S.A. 1481 requires the monthly fire drill for all educational institutions, “other than a university or college.” VAST is an independent school operating at/within a college. Emily Simmons, General Counsel, determined that 16 V.S.A. 1481 does not apply to VAST.
9. There were 47 students enrolled in VAST for the 2020-2021 school year.

FISCAL IMPLICATIONS: none

STAFF AVAILABLE:

Patrick Halladay, Director of Educator Quality Division
Cassandra Ryan, Director of Regulatory Compliance and Risk Management