

July 28, 2021

RE: Strengthening Independent School Approval Practices

Dear Secretary French,

With Vermont's transition out of the COVID-19 state of emergency and as the Agency of Education (AOE, the Agency) restarts its process for reviewing applications for approval of independent schools, there is a natural inflection point for the Agency and the State Board of Education (SBE, the Board) to identify and act on opportunities to strengthen our practices surrounding the independent school approval process going forward.

As I look at the five independent schools that are now up for renewal (Lake Champlain Waldorf, Grace Christian School, VT Commons School, Thaddeus Stevens School, and Vermont Academy of Science and Technology), I observe that all five were last approved by the SBE in 2016 and 2017¹, at the recommendation of former Education Secretary Rebecca Holcombe. The meeting minutes indicate that approvals of all five schools were handled as part of the consent agenda, with no substantive presentation by the Secretary and little to no inquiry or discussion by the Board. A review of minutes from other SBE meetings around that time indicates that this was the custom and practice of the Agency and SBE under leadership of that era.

Existing rules, which have been in place for many years, clearly articulate a process for the SBE to make findings around important standards as a condition of the Board's approval of an independent school (Rule 2226). While approval *may* be granted (i.e. permissive, not directive) without evaluation by the AOE if a school can demonstrate that it has been accredited by an accreditation agency recognized by the SBE (Rule 2223), this path does not limit or restrict the Board's consideration of applicable standards under Rule 2226.

In recent years, the Board has taken a more active approach to considering independent school approvals, which is more in line with the SBE's statutory obligations. I would like to see the SBE continue down this path, and to that end, I intend to work with you and your staff to ensure that, going forward, the SBE is provided with information that will allow the Board to develop findings consistent with applicable standards defined in statutes and regulations; particularly those

¹ VAST approval at April 2017 meeting: https://education.vermont.gov/sites/aoe/files/documents/edu-state-board-approved-meeting-minutes-04_18_17.pdf

Vermont Commons School and Lake Champlain Waldorf School at February 2017 meeting:

<https://education.vermont.gov/sites/aoe/files/documents/state-board-approved-minutes-022117.pdf>

Grace Christian School at October 2016 meeting:

<https://education.vermont.gov/sites/aoe/files/documents/edu-state-board-approved%20minutes-101816.pdf>

Thaddeus Stevens School at August 2016 meeting:

<https://education.vermont.gov/sites/aoe/files/documents/edu-state-board-approved-minutes-082316.pdf>



standards set forth in SBE Rule 2226 and the requirements of Rule 2225.7. As the Chair of the Board, I will be placing any request for approval of independent schools to be handled as a regular business item on the agenda; not part of the consent agenda.

For schools that are reviewed by external accreditors, much of the information (e.g. educational program, governance, financial capacity) that would help the Board with its findings will likely be addressed in reports from the accreditor. In cases where standards are not directly addressed by the accreditor, or may be more appropriately evaluated by the AOE, I ask that the AOE take steps to obtain the necessary information (including any adverse information) directly from each school and to share this information (together with relevant information from the accreditor) with the Board as part of your recommendation for a school's approval (both for initial applications and renewals). In the future, I will ask the SBE to carefully review the information submitted with your recommendations, so that the Board can develop findings as to whether standards in Rule 2226 have been satisfied based on the information submitted - before voting on approval of a school.

I want to draw your attention to Rule 2226.8 and 2225.7, which serves as a link to important statutory mandates, including:

1. 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."
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.

The focus on these critical mandates is even more important within the context of events over the past few years. Vermont's successful response to the COVID-19 pandemic has raised awareness of the importance of adherence to public health and safety measures, including immunizations. A report from the State Auditor in 2019 identified gaps in Vermont's Child



Protection Registry². The murder of George Floyd and numerous accounts of targeted violence across the country in recent years has brought the issue of systemic racism and various forms of discrimination into the consciousness of many Vermonters over the past year. Last year, the SBE adopted an important statement expressing the Board's commitment to equity³ that reads, in part:

"The Vermont State Board of Education denounces racism and affirms its commitment to equity and excellence for all students regardless of race, gender, gender identity or expression, sexual orientation, national origin, color, disability, religion, or socioeconomic status."

These events have shaped my thinking as I take on the responsibilities as the Chair of the Board. I welcome any suggestions you may have for how the AOE and the SBE can work together to strengthen our practices with respect to independent school approvals.

Sincerely,



Oliver K. Olsen

Chair, Vermont State Board of Education

CC: Vermont State Board of Education Members
Emily Simmons, AOE General Counsel

² <https://auditor.vermont.gov/sites/auditor/files/documents/AOE%20CPR%20Report%20-%20Final%20v.2.pdf>

³ <https://education.vermont.gov/memos/state-board-equity-racism-061720>

