



State of Vermont
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Kristin L. Clouser, Secretary

TO: School Board of Education, Chair Jennifer Samuelson
FROM: Office of Racial Equity
DATE: September 6, 2023
RE: August 18, 2023 Special Meeting on Rule 2200 (Independent School Program Approval)

Dear Chair Samuelson and members of the State Board of Education,

The Office of Racial Equity is writing to express our concern that the School Board of Education is not acting in accordance with the principle of [procedural equity](#) regarding the development of Rule 2200 (Independent School Program Approval).¹ Procedural equity, also known as process equity, is a vital part of accountable and transparent governance. Procedural equity incorporates transparent communication about shared decision-making opportunities at every stage of the governance process.

The Office is concerned that the School Board of Education is not adequately ensuring the participation of historically marginalized families, including families of color, parents and students with disabilities, and families of LGBTQIA+ students in the rule development process. The participation of historically marginalized families is especially important when discussing rules that aim to ensure that historically marginalized students see themselves represented in school curricula. As noted by the Education Equity Alliance in its August 16, 2023, memo to the School Board of Education, there has been sparse attendance by members of the public at School Board meetings in Summer 2023 in part due to the historic flooding that impacted much of the state. The decision of the School Board of Education to hold those meetings during the flood recovery period has had the effect of excluding public participation by flood-affected community members.

The fact that many of the School Board of Education's Rule 2200 Summer 2023 meetings have been held during typical working hours may also have hindered adequate public participation, especially from working parents. While the Office appreciates that the rulemaking process is still in a preliminary phase, it is more respectful to community members' time and effort to incorporate public comments earlier on in the rulemaking process. It is more difficult to incorporate community members' feedback when presenting a nearly finished rule and asking for public comments.

The Office of Racial Equity is also concerned with the lack of consideration for the needs of parents and students who use languages beyond English, demonstrated on the Agency of Education and School Board of Education websites. As of 12:30 p.m. on August 18, 2023, the Agency of Education website <https://education.vermont.gov/> does not include any notice that language assistance, such as interpretation or translation, is federally required to be provided free of charge to the recipient. The website also does not contain any translated information to assist parents of English Language Learner students in contacting the Agency of Education to request language services. As of 12:30 p.m. on August 18, 2023, the School Board of Education section of the Agency of Education website <https://education.vermont.gov/state-board-councils/state-board> does not contain any notice of language services that would assist parents who use languages beyond English to participate in commenting on

¹ Just Transitions Subcommittee. (2021). Guiding Principles for a Just Transition. II. Just Transitions Key Terms. Vermont Climate Council.

<https://aoa.vermont.gov/sites/aoa/files/Boards/VCC/Guiding%20Principles%20for%20a%20Just%20Transition%20-%20Final%20Draft%20for%20Approval%208.2021.pdf>.

the proposed Rule 2200 changes. The lack of notice of language access services is an oversight by the School Board of Education that impedes public participation by the parents of students likely to be impacted by the School Board’s decisions regarding Rule 2200. The Office of Racial Equity is concerned that the lack of notices of language assistance creates disparate access to the Agency of Education’s and School Board of Education’s services on the grounds of race and national origin.

The Office of Racial Equity’s recommendations to improve procedural equity for the public comment period on Rule Series 2000 Education Quality Standards updates are as follows:

- Create [plain language](#) educational materials notifying members of the public of the contents of the “Rule Series 2000 – Education Quality Standards” and what impacts the decisions made by the School Board may have on students at independent and public schools.² **The current practice of titling the meetings “Rule 2000 – Education Quality Standards” is insufficient information for community members to understand the content of the meetings.**
- Include prominent links to the plain language information on Rule 2000 Education Quality Standards on the same web pages as the Rule 2000 Education Quality Standards meeting links.
- Translate the plain language educational materials into Vermont’s most commonly spoken languages. More information on which languages to include for translation can be found in the [2023 Office of Racial Equity Language Access Report](#).³ Representatives of the School Board of Education and Agency of Education may contact the Office of Racial Equity for technical assistance regarding language access at AOA.ORE@vermont.gov.
- At a minimum, include notices of language assistance prominently on the Agency of Education and School Board of Education webpages to facilitate language access for Vermont residents who use languages beyond English. More information on federal requirements regarding notices of language assistance and recommended languages to translate notices of language assistance is available in the 2023 Office of Racial Equity Language Access Report, as well as further recommendations to improve language access on State of Vermont websites.

² US General Services Administration. (n.d.). Checklist for Plain Language | [plainlanguage.gov](https://www.plainlanguage.gov). Plainlanguage.Gov. Retrieved September 15, 2022, from <https://www.plainlanguage.gov/resources/checklists/checklist/>

³ State of Vermont Office of Racial Equity. (2023, January). 2023 Language Access Report. <https://racialequity.vermont.gov/language-access>