

I urge the Rule Series 2200 Subcommittee to recommend to the Board that it adopt the following language as its **Statement of Principle** to guide the Independent Schools rule-making process henceforward.

(The first paragraph is 16 VSA §1, verbatim. The second paragraph is from the AoE's publication, "Independent School Guide".)

"The right to public education is integral to Vermont's constitutional form of government and its guarantees of political and civil rights. Further, the right to education is fundamental for the success of Vermont's children in a rapidly-changing society and global marketplace as well as for the State's own economic and social prosperity. To keep Vermont's democracy competitive and thriving, Vermont students must be afforded substantially equal access to a quality basic education. However, one of the strengths of Vermont's education system lies in its rich diversity and the ability for each local school district to adapt its educational program to local needs and desires. Therefore, it is the policy of the State that all Vermont children will be afforded educational opportunities that are substantially equal although educational programs may vary from district to district".

"The Vermont Legislature and the Vermont State Board of Education have consistently encouraged the development of strong independent schools....At present there are a number of independent schools that reflect the variety of needs and educational philosophies that exist in the state. It is through this unique network that special needs and educational alternatives are able to flourish. The Vermont State Board of Education views these schools as an important element of our educational system offering learning opportunities to students in Vermont."

Why adopt this Statement of Principle?

Rule-making is a form of policy-making. Policy making, if done well, recognizes that most public policy questions have two or more sides or dimensions. And those dimensions are often in tension – sometimes even in conflict – with one another. Such tensions require dualistic “and also” thinking. Effective policy making is inevitably the thoughtful reconciliation of competing, even conflicting, interests and objectives.

So it is in regulating Independent Schools. The State Board of Education is obligated to assure Independent Schools’ compliance with State standards for educational equity and transparency, **and also**, to enhance Independent Schools’ valued role in Vermont’s richly diverse educational landscape.

Our Legislature has long understood and embraced these dual objectives. In 16 VSA §1, the General Assembly speaks eloquently of the imperative *“that all Vermont children will be afforded educational opportunities that are substantially equal although educational programs may vary from district to district”*.

And then, in the same breath, the General Assembly declares its equal commitment to a different dimension of education in Vermont: *“However, one of the strengths of Vermont’s education system lies in its rich diversity and the ability for each local school district to adapt its educational program to local needs and desires.”*

The Board itself has for many years recognized the “rich diversity” of Vermont’s educational landscape, declaring in 2009 it has *“consistently encouraged the development of strong independent schools... It is through this unique network that special needs and educational alternatives are able to flourish. The Vermont State Board of Education views these schools as an important element of our educational system offering learning opportunities to students in Vermont”*.

For today’s meeting the Board Chair has proposed three “principles”. These are simply the Boards’ original list of concerns about Independent Schools, dating back to November of 2015, now recast as “principles”.

The problem with these “principles” is that they only address *one* dimension – the *compliance* dimension -- of the Board’s responsibilities as it seeks to revise its rules governing Independent Schools. In recognizing *only* these principles, the Board appears to disavow the Legislature’s historic commitment to “*the rich diversity...of Vermont’s educational system*” -- not to mention the Board’s own long-standing recognition that Independent Schools are “*an important element of our educational system offering learning opportunities to students in Vermont.*”

An impartial observer would readily see that the Board’s planned revisions to the rules governing Independent Schools have exposed tensions among stake-holders and have opened political fault-lines across the State. The Board’s stated compliance actions (especially open-admissions) appear to threaten the very mission and viability of Independent Schools in Vermont, and the opacity of the Board’s rule-making process has caused concern among many, citizens and legislators alike.

So the Board has a choice. It can allay many of these concerns simply by affirming its commitment to Independent Schools as “*an important element of Vermont’s educational system*”, by adopting this **Statement of Principles** to guide its rule-making with regard to Independent Schools.

Or it can refuse to do so.

In which case, Vermonters and the General Assembly may be left to wonder if the Board has reversed its long-standing commitment to “*the development of strong Independent Schools*” – and in so doing, appears to disavow its long-standing support of the Legislature’s historic commitment to “*the rich diversity...of Vermont’s educational system*”.

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