
TESTIMONY

Testimony To: Senate Committee on Education

Respectfully Submitted by: Heather Bouchey, Ph.D., Interim Secretary

Subject: H.483, An act relating to the accountability and oversight of approved independent schools

Date: April 20, 2023

The Committee asked us to provide testimony on H.483, An act relating to the accountability and oversight of approved independent schools that are eligible to receive public tuition. We do not fully support this bill for the following reasons:

1. The State Board of Education recently completed a lengthy rule-making process to improve the oversight and regulation of independent schools (i.e., 2200 rule series). In order to be eligible to receive public tuition, independent schools will be required to meet several new criteria regarding the delivery of special education services. These rules take full effect on July 1, 2023. We believe these rules should be implemented before any additional changes are made to the oversight of independent schools. We note that these rules, co-crafted over many months through multiple stakeholder feedback sessions and opportunities for public comment, already require independent schools to publish, maintain, and follow a non-discriminatory enrollment policy should they wish to be approved/eligible for public tuition.
2. Recent court rulings around the religious status of independent schools do not justify significant change in the oversight of independent schools at this time. We would support, however, strengthening oversight of anti-discrimination provisions to ensure those independent schools that choose to accept public tuition dollars meet the non-discrimination requirements of Vermont's Public Accommodations laws.

We recommend amending the definition of "Place of Public Accommodation" by adding a sentence at the end of that definition (9 V.S.A. 4501(1)), to read "An approved independent school that accepts district-funded tuition shall be a place of public accommodation."

