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S.202

Introduced by Senators Gulick, Hardy, Harrison, Hashim, Lyons, MacDonald,  
Watson and White

Referred to Committee on

Date:

Subject: Education; approved independent schools; antidiscrimination

Statement of purpose of bill as introduced: This bill proposes to require approved independent schools to confirm annually with the State Board of Education that the school (1) has a statement of nondiscrimination posted on the school's website and included in the school's application materials that is consistent with the Vermont Public Accommodations Act, 9 V.S.A. chapter 139 and the Vermont Fair Employment Practices Act, 21 V.S.A. chapter 5, subchapter 6 and (2) complies with the Vermont Public Accommodations Act, 9 V.S.A. chapter 139, in all aspects of the school's admissions and operations. It also proposes to place certain prohibitions on the admissions process for publicly tuitioned students for approved independent schools that intend to accept public tuition.

An act relating to the approval of independent schools

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 16 V.S.A. § 166 is amended to read:

3 § 166. APPROVED AND RECOGNIZED INDEPENDENT SCHOOLS

4 (a) Authority. An independent school may operate and provide elementary  
5 education or secondary education if it is either approved or recognized as set  
6 forth in this section.

7 (b) Approved independent schools. On application, the State Board shall  
8 approve an independent school that offers elementary or secondary education  
9 if it finds, after opportunity for hearing, that the school provides a minimum  
10 course of study pursuant to section 906 of this title and that it substantially  
11 complies with all statutory requirements for approved independent schools and  
12 the Board's rules for approved independent schools. An independent school  
13 that intends to accept public tuition shall be approved by the State Board only  
14 on the condition that the school agrees, notwithstanding any provision of law  
15 to the contrary, to enroll any student who requires special education services  
16 and who is placed in or referred to the approved independent school as an  
17 appropriate placement and least restrictive environment for the student by the  
18 student's individualized education program team or by the local education  
19 agency; provided, however, that this requirement shall not apply to an  
20 independent school that limits enrollment to students who are on an  
21 individualized education program or a plan under Section 504 of the

1 Rehabilitation Act of 1973, 29 U.S.C. § 794, and who are enrolled pursuant to  
2 a written agreement between the local education agency and the school.

3 Except as provided in subdivision (6) of this subsection, the Board's rules must  
4 at minimum require that the school have the resources required to meet its  
5 stated objectives, including financial capacity, faculty who are qualified by  
6 training and experience in the areas in which they are assigned, and physical  
7 facilities and special services that are in accordance with any State or federal  
8 law or regulation. Approval may be granted without State Board evaluation in  
9 the case of any school accredited by a private, State, or regional agency  
10 recognized by the State Board for accrediting purposes, provided that the State  
11 Board shall determine that the school complies with all student enrollment  
12 provisions required by law.

13 \* \* \*

14 (9)(A) Annually on or before August 1, an approved independent school  
15 shall provide the State Board of Education with the following information, on a  
16 form created by the Agency of Education:

17 (i) documentation confirming a statement of nondiscrimination is  
18 posted on the school's website and included in the school's application  
19 materials that is consistent with the Vermont Public Accommodations Act, 9  
20 V.S.A. chapter 139, and the Vermont Fair Employment Practices Act, 21  
21 V.S.A. chapter 5, subchapter 6; and

1                    (ii) an assurance, signed by the head of the school, that the school  
2                    complies with the Vermont Public Accommodations Act, 9 V.S.A. chapter  
3                    139, in all aspects of the school's admissions and operations.

4                    (B) The requirements of this subsection (b) shall apply to all  
5                    approved independent schools regardless of whether they are accredited by a  
6                    private, State, or regional agency recognized by the State Board of Education  
7                    for accrediting purposes.

8                    (10) A school seeking approval under this subsection that intends to  
9                    accept public tuition shall use an admissions process for publicly tuitioned  
10                    students that does not include mandatory interviews, academic entrance exams,  
11                    academic history, mandatory campus visits, or consideration of ability to pay  
12                    for any costs or fees, provided that:

13                    (A) the school may request proof of a student's most recently  
14                    completed grade;

15                    (B) the school may set a capacity limit on the number of publicly  
16                    tuitioned students the school will accept; and

17                    (C) the school shall establish a nondiscriminatory selection process  
18                    when the number of publicly tuitioned student applicants exceeds any capacity  
19                    limits.

20                    \* \* \*

1       Sec. 2. EFFECTIVE DATE

2       This act shall take effect on July 1, 2024.