

Chair Peter Conlon and Members
House Committee on Education
115 State Street
Montpelier, VT 05633-5301

March 13, 2023

Re: Comments on DR 23-0910, draft 1.1, presented March 3, 2023

Dear Chair Conlon and Committee Members:

We are writing in response to the recently released draft committee bill, DR 23-0910, reviewed in the House Education Committee on March 3, 2023. We appreciate the committee's commitment to ensuring Vermont students have access to high quality educational opportunities that are free from discrimination. These are important values that we share. The draft bill has the potential to build our capacity to fulfill our collective obligation to support every student in their learning, promote high quality outcomes and encourage better communication between sending districts and receiving schools in the interest of serving students.

We support the provisions of the bill that build on the State Board of Education 2200 Series rules requiring compliance with nondiscrimination laws in order to be an approved independent school eligible to receive public tuition.

In addition, Section 2 of the draft bill includes a new requirement for independent schools to be accredited in order to be approved by the State Board of Education as eligible to receive public tuition. We believe this will have a positive effect on the quality of educational programs available to Vermont students.

We have several suggestions that we believe would help to realize the intent of the legislation more fully, to support all students:

1. Section 2, 9(A)(iv), regarding the reporting of unexcused absences on page 6, line 8. We propose that the provision be deleted and incorporated into Section 15 of the bill (proposed language below). We believe it would be valuable to have a more comprehensive conversation with the Agency of Education and our LEA partners regarding best practice around absenteeism. There may be times when a more flexible approach may benefit students, which would not be reflected in a statutory requirement. For example, with COVID and its aftereffects, we have generally seen an increase in unexcused absences and the need for more intense interventions and communication with the LEA. St. Johnsbury Academy provided testimony to the House Education Committee that its policy is to report to LEA partners after four consecutive unexcused absences and request a meeting at day 10. Whether it is three, four or

another threshold, we believe there would be value in a broader discussion with educational leaders on the best approaches to this issue.

2. Section 8 of the bill restricts out-of-state tuition to within 25 miles of the Vermont border. A geographic-based limitation such as this may not necessarily achieve the committee's goal of ensuring that public tuition dollars only flow to out-of-state schools that comply with important nondiscrimination policies. To that end, we do support the draft bill's requirement that an out-of-state independent school comply with nondiscrimination requirements to receive Vermont public tuition dollars. In addition, a geographic-based limitation such as this may result in the arbitrary exclusion of some out-of-state students from Vermont schools if other states take similar action. St. Johnsbury Academy and Lyndon Institute, for example, receive public tuition students from several towns across New Hampshire. As an alternative, we would suggest the committee consider allowing Vermont public tuition to schools located in adjoining states that comply with the nondiscrimination provisions.

3. With respect to Section 15 of the bill, it would be helpful to incorporate two-way communication between the LEAs and the receiving schools into the process. We recognize the importance of providing information on student progress to the LEAs and appreciate the intent to take a uniform approach given the number of LEAs we partner with. However, there is information that sending districts could provide to our schools to help us prepare for receiving students once they are enrolled in our schools. Such information may include current accommodations and modifications as well as supporting evaluations, attendance and disciplinary records, necessary medical information and other information that will help us to more efficiently and effectively serve students. We propose building this concept, as well as reporting of unexcused absences, into Section 15 as follows:
 - (a) Academic progress form. On or before January 15, 2024, the Agency of Education shall create **the following:**
 - (i) a standard form for public and approved independent schools to report the academic progress of tuitioned students to the student's local education agency, as well as how often academic progress shall be reported, **and the threshold for consecutive unexcused absences that shall be reported.**
 - (ii) **a standard form for the tuitioned student's local education agency to report information to the receiving public or independent school once the student is enrolled, including the student's academic, social-emotional and other needs to ensure the receiving school has the information necessary to serve incoming students.**

In developing the form(s), the Agency shall consult with the Vermont Principals' Association, the Vermont School Board's Association, the Vermont Superintendents Association, the Vermont National Education Association, and the Vermont Independent Schools Association.

Thank you for considering our suggestions to strengthen the committee's work in addressing the needs of all students.

Sincerely,

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Burr and Burton Academy

Dr. Sharon Howell
Headmaster
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Brian Bloomfield
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Carrie Brennan
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