

TO: Honorable Senators of the State of Vermont

From: Tatiana Maslova and Mark Koenig, 38 Proctor Ave., S. Burlington

Date: March 24, 2014

Re: Need for equal treatment of all students under the Miscellaneous Education Bill / Dual Enrollment Program.

We are constituents from South Burlington (Chittenden County 7-3). We are close neighbors to two excellent independent schools: Rice High School (3 blocks up the street from our house) and the Vermont Commons School (VCS), where our son, a senior, has greatly benefited from taking an advanced college-level calculus course that is jointly taught by the University of Vermont (UVM) and VCS. This course was earlier supported under the aegis of the Vermont Dual Enrollment Program.

We wish to express our concerns about the uneven treatment of students in the current draft version of the “Miscellaneous Education Bill”, which still fails to contain language restoring Dual Enrollment funds equally to ALL Vermont high school students – both public as well as independent schools.

The Vermont Dual Enrollment program provides subsidy support for college credit courses taught jointly by local public high schools and the University of Vermont. We applaud this innovative idea that inspires local public high school students to complete college-level coursework; but we equally lament the discriminatory nature of the current draft law, which excludes students at *independent* high schools.

We, as parents of Vermont Commons School students, believe that the unequal treatment aspects of the draft law represents unfair and poorly reasoned public policy that targets and excludes students and families at independent schools. It poses uncomfortable legal and moral questions because it purposely mandates an unequal treatment of children. It harms a subset of middle class families who might not be able to afford the additional dual enrollment payments at a time when our families are already struggling to pay independent school tuition in addition to local property taxes.

We wish to emphasize that we also strongly support the concept of public schools (indeed, many of us parents are successful alumni from public schools); and we fully and enthusiastically support our local public schools through our regular payment of local property taxes. But sometimes individual students fare better under the differently creative setting of an independent

school -- so we struggle to pay the tuition to enable alternative educational approaches for our children.

Surely this law should be amended to apply this educational benefit equally to all categories of Vermont high school students. Given that the excluded category of students represents a small subset of Vermont's overall high school student population, the costs of providing equal access to the dual enrollment program ought to be extremely minimal.

We would also highlight the *multiple positive contributions* that public and independent schools – plus the Dual Enrollment program – can make together to improve the quality of education in the state of Vermont:

- Complementing the important work of public schools, independent schools expand a pluralism of educational choice in the state of Vermont, offering diverse educational approaches to students who may have various special needs for: alternative educational approaches – such as smaller class sizes or more individually tailored instruction; other special learning needs; accommodation to diverse religious backgrounds and needs; or other special accommodations. Independent school students and their families might be a minority of Vermonters, but they're an important minority who should be accorded *equal* rights and fully *equal access* to State of Vermont programs at the university level.
- The Dual Enrollment program represents a superb mechanism to take students (preferably equally from ALL participating schools) to the highest possible academic level: The Dual Enrollment program puts a *favorable national spotlight* on the State of Vermont, the University of Vermont (UVM) as well as individual graduating high school students from the state of Vermont (in their college and career applications), all reflecting an aspiration by the state to take high school education to its highest possible levels of achievement.
- In fact, we firmly believe that independent and public schools can work *together* toward many common public causes. (*e.g., strengthened education for all students, friendly inter-school competitions in sports, model UN, debate, joint community services, etc.*)

One final possible issue, apparently, is the following: “Is Separation of Church and State an Issue with respect to students going to (religiously-affiliated) independent schools?” We believe not; but here are a few additional thoughts on this question:

- This *potential* concern applies solely to students going to *religiously-affiliated* independent schools -- and obviously *not* to secular independent schools. *However, in a spirit supportive of fully equitable treatment for ALL Vermont students*, we also believe that students who happen to be attending religiously-affiliated should be accorded fully equal treatment under this program. Here's how that's possible
- In the first instance and most fundamentally, under the Dual Benefits program, the benefit goes to the Vermont child, and not the private school.
- Should the actual teaching location at a religiously-affiliated school be in any way an issue or challenge... this location or facilities issues is potentially resolved by having these special Dual Benefits classes take place *off site* – say, directly at UVM or other university, or at some other public or secular, private location.
- Finally, while we are not legal experts, we discussed this issue with a colleague at work (and attorney who has dealt with equal protection types of cases). He advised us that in cases where legislation leads to separate treatment of different religious, ethnic, racial, or other groups or where legislation creates a *disparate impact* on a particular group ... the government would need to document a *compelling reason* for this unequal treatment or impact. In other words, legislation that calls for, or results in, a *disparate impact* must meet a *higher standard of justification* under current US constitutional as well as federal legal provisions, practices and precedents.
- We hope that the Vermont legislature will have the wisdom to find the best possible solution to issues at hand, in a way that allows all students from the state of Vermont to participate with the fullest possible equality in this innovative Dual Enrollment program.

We hope you will take all of these considerations into account.

Thank you for your careful deliberations,

Tatiana Maslova and Mark Koenig