



STATE OF VERMONT
SENATE CHAMBER

Memo

To Rebecca Holcombe, Chair
Agency of Education
From Senator Dick McCormack, Chair
Senate Education Committee
Subject: Inquiry regarding public funding
Date: February 14, 2014

You will do my committee's work a service if you offer opinions on the following questions.

1- What, if any, are the legal problems (per federal civil rights law) and constitutional problems (per Brigham) of a local education authority spending public educational tax dollars on tuition to schools that do not honor the same legal requirements as public schools?

- Is substantially equal educational opportunity achieved in such arrangements?
- Does the state honor its constitutional obligations by delegating its educational responsibilities to such an arrangement?
- Does the LEA fulfill its delegated duty?
- Is there a class of students whose rights are violated by such an arrangement?

2- What, if any, are the legal problems (per federal civil rights law) and constitutional problems (per Brigham) of privatizing a public school?

- Can a municipality renounce a delegated state function?
- Does such a renunciation absolve the state of its constitutional responsibility?

3- What legislative responses do you suggest?

cc: Senate Education Committee