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MEMORANDUM

TO: Senate Education Committee

FROM: Krista S. Huling, Chair, State Board of Education

SUBJECT: Testimony on S. 229 - An act relating to State Board of Education approval of independent schools

DATE: February 9, 2018

Thank you for inviting the State Board of Education to give feedback on S. 229. In full disclosure I am here representing the Board, but our full Board has not had a discussion on this piece of legislation in its current draft. However, the State Board Legislative Committee did discuss the matter at our last meeting on February 7th and I feel confident that I speak for the full board and endorse of the overall language and the student centered tone of the document.

Commendations:

- The biggest breakthrough of the study committee was the agreement that “an approved independent school shall enroll any student requiring special education services who is placed in or referred to the approved independent school as an appropriate placement and least restrictive environment for the student by the local education agency” and the State Board commends this committee for including this language in the current draft of the legislation. We believe like this is a civil right issue and welcome its addition.
- Currently the Board may approve or deny an application but with the option to “impose conditions upon” created by this legislation, it would allow the Board to seek a middle ground. If there are concerns the board can be addressed them before it hits a crisis point. This protects students from a school closing mid-year and it allows the independent schools a chance to make corrective action.
- We welcome the change to allow the Board to send its own study committee that includes a member of the Council of Independent Schools.
- We endorse this new section that mandates following financial reporting events during the period of its approved status. Reporting these events in a timely matter would alert the state to problems early when remedies could still be found. (page 4)

- We find that the addition of reports to the Secretary on the spending of special education services provided by an independent school creates more transparency and accountability for public dollars.

Recommendations:

- The Board would like to review today's testimony of Jo-Anne Unruh, who we defer to as an expert in this section.
- On page ten the scenario is envisioned that a student is placed at a school that is not approved in their area of need, then State Board agrees that the LEA should be responsible, but have concerns of duration and prefer time constraints.
- We are concerned that the board does not have staff of its own and is reliant on the AOE to do the additional work of monitoring conditions and any additional management created by this bill. We would defer to the agency, but question whether additional AOE staff is needed at the agency to ensure this work can be coordinated.

