

Senate Education Committee

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State Board of Education

General Purposes of the Proposed 2200 Series of the Rules

- I. Do voucher policies increase segregation and undermine equitable education funding? (see chart)
- II. Do voucher systems result in selective admissions which, in violation of federal and state goals (and sometimes laws), deny children equal opportunities? (see chart)
- III. Should institutions that receive public funds be required to regularly report on how those funds are spent and be held accountable for the proper management of public monies?ⁱ

Rumors and Reality

1. *"These rules have been rushed through without an adequate opportunity to examine them."*

Changes were initiated in November, 2015. They have been earlier described in a 7/29 memo and an 11/29 letter. Forums and stakeholder meetings have been held. (Act 60 was done in four months)

2. *"We don't know what's going on."* Proposed rules were available on November 17. A November 29, 2016 letter addressed all major issues. The draft presented to ICAR, and some members of the public were quite familiar with the rules.

3. *"The state board does not have the authority to make these regulations."* State law authorizes and requires SBE to regulate (16 VSA 165 & 166). Letter of Attorney General of December 19 provides clear documentation of this requirement and authority. The Legislative Counsel speculates that different classes have different rules but such an interpretation appears to create distinctions not expressly established in law. How this would meet 16 VSA 1 and the common benefits clause is unclear.

4. *"These rules will take away historical school tuitioning"* – The most common concern we hear. The rules don't encourage, discourage or modify school tuitioning in any way.

5. *"These rules will close private schools"* – No. Independent schools are valuable and in some cases, the only available option. Specialty schools also fulfill a purpose. Financial pressures play on public and private schools in much the same fashion.

6. *"This will force independent schools to be cookie-cutter copies of public schools"* - There should be no effect on school operations. Both sectors have broad latitudes.

7. *Finances* – Statute requires financial accountability and stability else the public and parental purses are in jeopardy. This is an old requirement.

8. *Socio-economic segregation*. The data suggests that segregation is occurring which likely violates the common benefits clause.

9. *Special education segregation* - The data suggests that segregation is occurring which likely violates the common benefits clause.

10. “*We cannot afford to provide staff in all handicap areas.*” The proposed rules do not require it. They simply require that these children be given equal opportunities. This can be satisfied in a host of ways. The home district pays.

11. “*All independent school teachers must be licensed.*” – This is an error in the drafting and will be fixed. Only special education teachers must be licensed.

12. *Private schools must meet all federal and state laws* – health and safety laws only. This is a drafting error.

13. “*This will eliminate independent governance of private schools.*” No. Governance will not be affected

ⁱ The SBE resolution also included updating of antiquated language and the use of external evaluators.