

1 **Application of the Vermont Public Accommodations Act to Approved**
2 **Independent Schools; Draft Bill Language**

3
4 Sec. X. 16 V.S.A. § 166 is amended to read:

5 § 166. APPROVED AND RECOGNIZED INDEPENDENT SCHOOLS

6 * * *

7 (b) Approved independent schools. On application, the State Board shall
8 approve an independent school that offers elementary or secondary education
9 if it finds, after opportunity for hearing, that the school provides a minimum
10 course of study pursuant to section 906 of this title and that it substantially
11 complies with the Board’s rules for approved independent schools. Except as
12 provided in subdivision (6) of this subsection, the Board’s rules ~~must~~ shall at
13 minimum require that the school have the resources required to meet its stated
14 objectives, including financial capacity, faculty who are qualified by training
15 and experience in the areas in which they are assigned, and physical facilities
16 and special services that are in accordance with any State or federal law or
17 regulation. Approval may be granted without State Board evaluation in the
18 case of any school accredited by a private, State, or regional agency recognized
19 by the State Board for accrediting purposes. The Board’s rules shall require
20 that an approved independent school complies with the Vermont Public

1 Accommodations Act, 9 V.S.A. chapter 139, to the same extent that the act
2 applies to public schools.

3 * * *

4 (5)(A) The State Board may revoke, suspend, or impose conditions upon
5 the approval of an approved independent school, after having provided an
6 opportunity for a hearing, for substantial failure to comply with the minimum
7 course of study, for failure to demonstrate that the school has the resources
8 required to meet its stated objectives, for failure to comply with statutory
9 requirements or the Board’s rules for approved independent schools, or for
10 failure to report under subdivision (4) of this subsection (b). The State Board
11 shall establish and maintain a process to receive, investigate, and resolve
12 allegations of noncompliance with these requirements in a manner that
13 provides due process for the person or persons making the allegation and the
14 approved independent school against which the allegation is made. No private
15 right of action is created by this section against an approved independent
16 school for noncompliance with the Vermont Public Accommodations Act.

17 (B) Upon that revocation or suspension, students required to attend
18 school who are enrolled in that school shall become truant unless they enroll in
19 a public school, an approved or recognized independent school, or a home
20 study program.