

LCAR Testimony
2200 Rules of the State Board of Education
Independent Schools
April 6, 2022

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A threshold caution is to delay acting on the 2200 rules until the Maine religious tuition case is decided by the United States Supreme Court. It could have a direct, unpredictable and profound effect on these rules.

When the previous revision to the 2200 rules was proposed, they were withdrawn amidst considerable opposition from a portion of the independent (aka – private) school community. The state board's proposed revisions at that time centered on:

- Financial accountability – Some schools had financial difficulty and closed midyear at great inconvenience, cost and disruption to all concerned.
- Equal opportunities - Some schools were said to be practicing discrimination in admissions practices particularly for special education children.
- Insufficient Capacity -The Agency of Education did not (and does not) have the necessary capacity to make the independent school processes valid, realistic and rigorous -- which further obscures the previous two concerns.

Now comes the state board of education with a new effort at revising these rules. There is much to commend the new version as the sections, in many cases, are superior to what they would replace. They reflect a good deal of work and effort. But they fail to address cardinal deficiencies.

- Financial accountability – Independent and therapeutic schools pose a greater risk of financial collapse. By concentrating on the state imposed consequences of financial catastrophe, preventive measures such as proper accounting procedures, independent and regular oversight mechanisms, checks and balances, triggers, bonding and the like are ignored.. As the state must bail out a failed school, it is the people of Vermont who are financially liable.

A second financial concern is the lack of transparency. When an institution takes public money, it must be accountable. This should not be negotiable. The proposed system is too weak.

- Equal opportunities - The proposed rules speak with strong and declarative language about practicing non-discrimination. But equal opportunities means more than posting policies on the bulletin board. What is missing are programs for multi-cultural integration, crisis containment., evaluation of opportunities, internal checks as well as external comparisons of program participation and the like.
- Segregation - Despite partisan think-tank claims, school choice mechanisms segregate...The scientifically accepted research is clear and unchallenged since 1966..Without the ability to clearly demonstrate equity and equality, the rules could be and would likely be challenged in court. Schools are institutions of public accommodation. The promised equity particularly with special needs students is suspect.
- Adequate State Capacity. – The legislature and administration have not funded the current system. Without proper support, these rules will not be enforced. This is wrong for the schools, and for the children. The greater danger will be to the integrity of state government.

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