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Sent: Thursday, May 5, 2022 9:40 AM
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Cc: French, Daniel <Daniel.French@vermont.gov>; Simmons, Emily <Emily.Simmons@vermont.gov>
Subject: SBE Supports Section 14 of House Proposal of Amendment to S283

Hi Daphne & Beth -

During the Senate Education Committee meeting yesterday, there was a question about the State Board of Education's position on the House proposal of amendment to S283 (starting at page 4846 of today's Senate calendar), specifically Section 14.

I testified on behalf of the State Board when this was before the House Education Committee. In short, the **State Board supports Section 14** - it was added at the request of the AOE and the State Board.

Current law empowers the State Board to initiate investigations of independent schools if there are concerns about financial capacity. The existing construct is inconsistent with the role of the AOE and the State Board in all other situations involving concerns about an independent school's failure to meet approval standards. It is illogical to have the board in the role of initiating an investigation, when it is also the has the responsibility to adjudicate the potential consequences or actions arising from an investigation. And ironically, as a practical matter, the board lacks capacity to investigate matters of financial capacity.

In all other situations, the AOE fields complaints and initiates investigations - and then, if warranted, brings recommendations for suspension or revocation of a school's approval status to the State Board for adjudication under APA procedure (with the AOE and schools as parties and the State Board in a neutral quasi-judicial role).

The proposed change would bring about greater consistency to the process for handling independent school investigations and adjudication of matters arising therefrom, and is consistent with the future direction of the respective roles and responsibilities of the AOE and State Board.

Oliver Olsen
Chair, State Board of Education