

Vermont State Board of Education

Presentation to the Legislative Committee on Administrative Rules June 13, 2024

Updates to Rule Series 2200 Independent School Program Approval

State Board of Education (SBE or Board) Rule Series 2200 Committee

Jennifer Deck Samuelson, Chair

Kim Gleason

Tom Lovett

Purpose of Amendments to Rules

- Give effect to Act 1 (2019) consistent with legislative intent and the Board's authority pursuant to 16 V.S.A. §164(14)
- Introduce, with legislative support, the requirement that all schools, as a condition of their continued approval, must complete and submit annual assurances of their compliance with the rules
- Finalize the shift away from listing in rule the names of accrediting agencies that are recognized by the Board to instead providing a comprehensive framework of requirements that accrediting agencies must meet in order to be recognized
- Require a method by which the Agency will evaluate whether a school is compliant with nondiscrimination requirements
- Clarify the process by which accredited and non-accredited schools may apply for and receive approval and reapproval
- Reorganize the order of the rules for clarity and to align with the steps for school approval and reapproval

Incorporating the Goals of Act 1 (2019): Timeline

- Act 1: “An act relating to ethnic and social equity studies standards for public schools”
- Act 1 created a Working Group and invited it to review state statutes, SBE rules, and school district and supervisory union policies that concern or impact standards for student performance or curriculum used in schools.
- After more than two years of evaluation, the Working Group proposed updates to Rule Series 2000 “Education Quality Standards” (EQS) based on the principles of Act 1 and presented them to the SBE at its April 20, 2022 Meeting.
- Proposed updates to EQS were considered by the SBE EQS Committee, which met 28 times to hear testimony and to discuss and draft proposed revisions to EQS Rules before bringing its recommendations before the full Board last spring.
- Revisions to EQS that embody the goals of Act 1 represent efforts of a diverse group of stakeholders to ensure that the rules are anti-racist, culturally responsive, anti-discriminatory, and inclusive.

Implementing the Goals of Act 1: Authority to Engage in Rulemaking

- The SBE has the authority pursuant to 16 V.S.A. §164(7) to make legally binding rules within the scope of its authority in order to assist in the interpretation, implementation, and enforcement of the education statutes within the limitations of legislative intent. <https://education.vermont.gov/state-board-councils/state-board/rulemaking>
 - 16 V.S.A. §165 provides statutory authority to the SBE to adopt EQS, which are located in Rule Series 2000
 - Pursuant to 16 V.S.A. §165(f), EQS only applies to independent schools if they seek designation as an “independent school meeting education quality standards”
 - Act 1 does not change this.
 - 16 V.S.A. §164(14) provides statutory authority to the SBE to adopt rules for approval of independent schools, which are located in Rule Series 2200.
- At its monthly meeting on May 17, 2023, the SBE decided that, although it agreed that the principles and goals of Act 1 should be applied to approved independent schools, the EQS rule series was not the appropriate mechanism.
- Instead, the Board felt that it would be more appropriate to apply the principles and and goals of Act 1 to independent schools by re-opening Rule Series 2200.

Implementing the Goals of Act 1: The Results

- Updates to Rule Series 2200 seek to ensure that schools:
 - Promote critical thinking regarding the history, contributions, and perspectives of diverse groups of people;
 - Include instructional materials and methods that enable students to explore and understand questions of identity, race equality, and racism; and
 - Facilitate welcoming environments for all students without bias or exclusion.
- Much of the Act 1-related changes have been “lifted and shifted” from the Board’s Education Quality Standards (Rule Series 2000) and the Board sought to make these updates in the two rule series substantively the same and identical where possible.

Annual Compliance Assurance Form (Section 2223.4)

- Closes a gap in the current Rule Series
- Reflects interest expressed by the General Assembly
- Language was developed with the assistance of the Agency of Education
- Gives authority to the Secretary, in consultation with the Board, to prepare the form and make it available to schools
- Sets February 15th of each year as the deadline by which approved schools must provide assurances of their continued compliance with the rules
- Includes assurances by a school that it meets the requirements of Rule 2223.2 (Nondiscrimination Requirements for Approved Schools) and, if applicable, Rules 2229 (Approval to Receive Public Tuition; Special Education Approval) and 2231 (Written Agreements Required)
- Sets forth the process to use in cases where a school fails to timely submit its completed form

New Procedure by which to Recognize Accrediting Organizations (Rule 2227)

- Closes the gap left by the repeal of Former Rule Series 7000
 - Board observed that Rule 7320 contains an outdated list of recognized accrediting agencies
 - Board opened Rule Series 7000 in late 2021 to update the list and realized that it would be preferable to create a framework by which to recognize accrediting agencies rather than listing agencies by name in rule
 - **Rule Series 7000 sunsets July 1, 2024.**
- Language developed based upon:
 - Consultation with the New England Association of Schools and Colleges (NEASC) and the Association of Independent Schools in New England (AISNE), which currently accredit most independent schools in Vermont
 - Input by the International Council Advancing Independent School Accreditation (ICAISA), a membership organization of many accrediting agencies
 - Board review of regulatory frameworks adopted by neighboring states

Summary of Framework by which to Recognize Accrediting Organizations (Section 2227)

- New framework includes 11 criteria with which interested accrediting organizations must comply
- Accreditation leads to a school's streamlined approval or reapproval process in Section 2224.2
- Accreditation does not change Secretary's obligation to review a school's compliance with state specific requirements set forth in Rules 2223.3.4 (Maintaining Safe and Equitable Access to Educational Opportunities), 2223.3.5 (Other Required Activities), relevant state law, and, if applicable, Rules 2229 (Approval to Receive Public Tuition; Special Education Approval) and 2231 (Written Agreements Required). Compliance with these rules exist whether the school is accredited or not.

Other Changes

- Reorganization of Rule Series to be more user-friendly
- Cleaning up language to provide stylistic consistency
- Adding in reference to other requirements for approved schools that are already set forth in statute

Economic Impact

- Agency of Education – time required to:
 - Develop, send, track, and review annual compliance forms
 - Accept and review school approval applications, issue findings, and make recommendations to the Board regarding independent school approvals and reapprovals
 - Assist the Board in maintaining a public list of recognized accrediting agencies
 - Assist the Board in maintaining a public list of recognized and approved independent schools, including noting whether an approved school is approved to receive public funds

Economic Impact

- Independent Schools
 - Time required to annually certify their compliance with laws and regulations related to operating an approved independent school and provide supporting documentation
 - Compliance may require schools to engage in professional development, revise or develop curricular content, redirect resources, and/or modify learning environments and educational and professional methods, practices, and policies
 - VISA (Vermont Independent School Association) commented that many approved independent schools are already engaged with this work

Economic Impact

- Accrediting Organizations
 - Time required to compile and submit materials necessary to obtain recognition by the Board as an accrediting agency pursuant to Rule 2224
 - Optional development of technical assistance, trainings, and guidance provided to independent schools regarding compliance with the rules
 - May be asked to share with the Agency of Education information collected from a school as part of the accreditation process.

Economic Impact

- Students and Families
 - May select alternative enrollment options depending upon whether or not their school of choice complies with the rules
- State Board of Education
 - Time reviewing applications from accrediting agencies who seek recognition by the Board pursuant to Rule 2224
 - Possible time conducting hearings resulting from automatic investigations if a school does not complete an annual compliance assurance form as required by Rule 2223.4(f)

Public Input Maximization Plan

- “Lift and Shift” from EQS Sections 2110, 2113, 2114, 2120.1, 2120.5, and 2122.1
 - Language in these rules represents two years of work with extensive input from the Act 1 Working Group, Vermont School Boards Association, Vermont Superintendents Association, Vermont Principals Association, Vermont-National Education Association, Vermont Curriculum Leaders Association, Vermont Special Education Advisory Panel, Vermont Student Anti-Racism Network, Jewish Communities of Vermont, Vermont Independent Schools Association, the AOE, two accrediting organizations, one accrediting agency membership organization, and multiple members of the field.
- Public listening session (11/30/2022) regarding Act 1-related changes
- Three public hearings (11/17/2023, 11/21/2023, 11/27/2023)
- Fifteen 2200 Committee meetings with opportunity for public comment at each one