

**Side-by-Side of requirements for approved independent schools: H.483 v. Title 16 v. 2200 Series v. Act 173
Beth St. James
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H.483	Title 16	2200 Series	Act 173
<p>§ 166. APPROVED AND RECOGNIZED INDEPENDENT SCHOOLS</p> <p>(b) Approved independent schools. * * *</p> <p><u>(9)(A) An approved independent school that intends to accept public tuition shall be approved by the State Board as eligible to receive public tuition only on the condition that the school complies with the following requirements; provided, however, that this subdivision (9) shall not apply to therapeutic approved independent schools as defined in subdivision 11(36) of this title:</u></p> <p><u>(i) the school agrees, notwithstanding any provision of law to the contrary, to enroll any student who requires special education services and who is placed in or referred to the approved independent school as an appropriate placement and least restrictive environment for the student by the student’s individualized education program team or by the local education agency;</u></p> <p><u>(ii) the school shall provide local education agencies with an attendance report for students attending the school on public tuition at an interval determined by and in a format approved by the Agency;</u></p>	<p>§ 166. APPROVED AND RECOGNIZED INDEPENDENT SCHOOLS</p> <p>16 V.S.A. § 166(b); 16 V.S.A. § 2973 (both effective 7/1/23)</p> <p>No similar provision</p>	<p>Rule 2229.4</p> <p>No similar provision</p>	<p>Secs. 20a. & 21 (both effective 7/1/23)</p> <p>No similar provision</p>

<u>H.483</u>	<u>Title 16</u>	<u>2200 Series</u>	<u>Act 173</u>
<p><u>(iii) the school shall provide local education agencies with a report of the academic progress of students attending the school on public tuition at an interval determined by and in a format approved by the Agency;</u></p> <p><u>(iv) the school shall provide local education agencies with a report of any enrollment change for students attending the school on public tuition, including withdrawals, suspensions, or expulsions, provided that the school shall notify a local education agency the same school day if the school is considering expelling a publicly tuitioned student;</u></p> <p><u>(v) the school has adopted and implemented policies and procedures to comply with the Vermont Public Accommodations Act, 9 V.S.A. chapter 139 and the Vermont Fair Employment Practices Act, 21 V.S.A. chapter 5, subchapter 6;</u></p> <p><u>(vi) the school shall not use an admissions process for publicly tuitioned students that includes mandatory interviews, academic entrance exams, academic history, mandatory campus visits, or consideration of ability to pay for any costs or fees, provided that:</u></p> <p style="padding-left: 40px;"><u>(I) the school may request proof of a student's most recently completed grade;</u></p> <p style="padding-left: 40px;"><u>(II) the school may set a capacity limit on the number of publicly tuitioned students the school will accept; and</u></p>	<p>No similar provision</p> <p>No similar provision</p> <p>No similar provision</p> <p>No similar provision</p>	<p>No similar provision</p> <p>No similar provision</p> <p>Rule 2226.6; 2227.8</p> <p>Enrollment: Rule 2229.1 Similar provisions include:</p> <p>No similar provision</p>	<p>No similar provision</p> <p>No similar provision</p> <p>No similar provision</p> <p>No similar provision</p>

<u>H.483</u>	<u>Title 16</u>	<u>2200 Series</u>	<u>Act 173</u>
<p><u>(III) the school shall establish a nondiscriminatory selection process when the number of publicly tuitioned student applicants exceeds any capacity limits;</u></p> <p><u>(vii) the school shall provide the results of all State-mandated assessments of students on public tuition to the Agency of Education, which shall publish the results on its website in a manner consistent with the publication of the same results for public school students;</u></p> <p><u>(viii) the school’s tuition rate for publicly tuitioned students shall be the same as or lower than the tuition rate for private payer students and both tuition rates shall be published on the school’s website and reported to the Agency of Education annually;</u></p> <p><u>(ix) publicly tuitioned students shall not be charged an application fee, an academic fee, or any other fees for academic materials; and</u></p> <p><u>(x) the school attests on or before August 1 of each year to compliance with the requirements of this subdivision (9), all other statutory requirements for approved independent schools, and the Board’s rules for</u></p>	<p>16 V.S.A. § 166(g)</p> <p>No similar provision</p> <p>No similar provision</p> <p>No similar provision</p>	<p>(3) &(4) require enrollment policy to include a nondiscriminatory policy for enrollment decisions when # of applicants exceeds capacity</p> <p>No similar provision</p> <p>No similar provision</p> <p>No similar provision</p> <p>No similar annual attestation— application does require compliance with all statutory</p>	<p>No similar provision</p> <p>No similar provision</p> <p>No similar provision</p> <p>No similar provision</p>

<u>H.483</u>	<u>Title 16</u>	<u>2200 Series</u>	<u>Act 173</u>
<p><u>approved independent schools, on a form created by the Agency, including documentation of the following:</u></p> <p><u>(I) a statement of nondiscrimination, posted on the school’s website and included in the school’s application materials, that is consistent with the Vermont Public Accommodations Act, 9 V.S.A. chapter 139 and the Vermont Fair Employment Practices Act, 21 V.S.A. chapter 5, subchapter 6;</u></p> <p><u>(II) an assurance, signed by the head of school, that the school complies with the Vermont Public Accommodations Act in all aspects of the school’s admissions and operations; and</u></p> <p><u>(III) an assurance, signed by the head of school, that no public funds were used to subsidize the tuition of private payer students.</u></p>		<p>requirements and the following:</p> <p>Rule. 2226.6(1)</p> <p>Rule 2226.6(2)</p> <p>No similar provision</p>	
<p>Sec. 8. 16 V.S.A. § 828 is amended to read: § 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL</p> <p><u>(a) A school district shall not pay the tuition of a student except to a public school, an approved independent school eligible to receive public tuition located in Vermont, an independent school meeting education quality standards, a tutorial program approved by the State Board, an approved education program, a therapeutic school, or an independent school in another state or country located within 25 miles of</u></p>	<p>§ 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL</p> <p>Allows tuition to go to schools outside the country or state that are approved under the laws of that state or country, with no geographic limitations</p>	<p>Rule 2225.2: Tuition to be paid to an independent school in another state shall be made in accordance with 16 V.S.A. § 828</p>	<p>No similar provision</p>

<u>H.483</u>	<u>Title 16</u>	<u>2200 Series</u>	<u>Act 173</u>
<p><u>the Vermont border and approved under the laws of that state or country, nor shall payment of tuition on behalf of a person be denied on account of age. Unless otherwise provided, a person who is aggrieved by a decision of a school board relating to eligibility for tuition payments, the amount of tuition payable, or the school he or she <u>the person</u> may attend, may appeal to the State Board and its decision shall be final.</u></p> <p><u>(b) An independent school in another state located within 25 miles of the Vermont border that is approved under the laws of that state is eligible to receive public tuition if the following conditions are met:</u></p> <p><u>(1) The independent school has adopted and implemented policies and procedures to comply with all antidiscrimination laws applicable to public schools in the state where the independent school is located and makes reasonable efforts to enforce those policies and procedures, even if those laws by their terms do not apply to the independent school. The school shall attest to compliance with this subdivision on or before August 1 of each year.</u></p> <p><u>(2) The independent school posts and maintains on its website in a prominent place its policy to comply with all antidiscrimination laws that apply to public schools in the state where the independent school is located. The school shall attest to compliance with this subdivision on or before August 1 of each year.</u></p> <p><u>(3) The independent school complies with the requirements of subdivision 166(b)(9) of this title, provided</u></p>	<p>No similar provision</p> <p>No similar provision</p> <p>No similar provision</p> <p>No similar provision</p>	<p>No similar provision</p> <p>No similar provision</p> <p>No similar provision</p> <p>No similar provision</p>	<p>No similar provision</p> <p>No similar provision</p> <p>No similar provision</p> <p>No similar provision</p>

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<p><u>that subdivisions 166(b)(9)(v) and (x) of this title shall not apply. The school shall attest to compliance with this subdivision on or before August 1 of each year.</u></p> <p><u>(4) The independent school provides an assurance on or before August 1 of each year, signed by the head of school, that no public funds were used to subsidize the tuition of private payer students.</u></p>	<p>No similar provision</p>	<p>No similar provision</p>	<p>No similar provision</p>