

Acts 49 and 173 Timeline and Context

- November 2015: SBE proposed amendments to then existing 2200 series (independent schools)
- January 2017: Senate Committee on Education began taking testimony on the proposed amendments. “After several months of committee testimony and consultations between the State Board and the independent school representatives, it became clear that agreement would remain elusive.”
- 2017 Acts and Resolves No. 49, Sec. 42: Approved Independent Schools Study Committee
 - Duties: to consider and make recommendations on “the criteria to be used by the State Board of Education for designation as an ‘approved’ independent school, including the following:
 - The school’s enrollment policy and any limitation on a student’s ability to enroll;
 - How the school should be required to deliver special education services and which categories of these services; and
 - The scope and nature of financial information and special education information that should be required to be reported by the school to the SBE or AOE”
 - Rulemaking: “It is the intent of the General Assembly to resolve the issues raised by the State Board of Education’s proposed amendments to the 2200 Series of its Rules and Practices initiated by the State Board on November 13, 2015 (Rules for Approval of Independent Schools) after taking into account the report of the Committee required under subsection (e) of this section.”
 - Suspended rulemaking until AIS Study Committee’s report is issued and then required rulemaking to take into account the Committee’s report
 - Report, December 2017:
 - The Study Committee did not reach a consensus on any draft language
 - The Study Committee did unanimously agree that “Vermont students with disabilities should be free to attend the schools that they, their parents, and their local education agency deem appropriate to them.”
 - The report contains proposed language to address financial capacity, but the language was not agreed to by the group
 - Act 173 added subdivision (8) to 16 V.S.A. § 166 (financial reporting)
 - The report contains appendices with proposed language for the report from both the independent schools community and public school community
- 2016 Acts and Resolves No. 148 commissioned the report and study of the delivery of special education services in school districts, which resulted in 2018 Acts and Resolves No. 173 (Act 173)
- Rule 2200 series rule updates were finalized spring 2022. Most rules take effect July 1, 2023, along with most of the Act 173 changes. A few rules went into effect on adoption.