



Memorandum

February 26, 2026

To: House Education Committee

From: Cal Hale & Oliver Olsen
on behalf of the Vermont Independent Schools Association

Subject: VISA response to Friends of Vermont Public Education Testimony

Dear Members of the House Education Committee,

We are writing to address inaccurate and misleading claims made in yesterday's testimony from Neil Odell, Krista Huling, and Jess DeCarolus of Friends of Vermont Public Education.

We appreciate that the House Education Committee is working on complex issues around the implementation of Act 73 this session and we do not wish to take more valuable committee time engaging in a debate that distracts from your important work. However, yesterday's testimony was rife with innuendo and blatant falsehoods delivered with a sleight of hand in ways that characterized Vermont's independent schools as discriminatory, unregulated, and unwilling to accept robust oversight of their work serving their students and communities. We cannot allow this to stand unchallenged.

Therefore, the Vermont Independent Schools Association (VISA) is sharing this memo to correct the record on several key points.

- Every member school in the Vermont Independent Schools Association is a nonprofit entity committed to serving and educating Vermont students. Of the 18 regular education independent schools that remain eligible for public funding following the passage of Act 73, all are nonprofits; **no Vermont taxpayer funds are going to for-profit schools through tuitioning.**
- Independent schools are already strictly regulated by the State Board of Education under the 2200 Rule Series¹, which has detailed requirements that schools must follow in order to maintain their approval status. **In many ways the 2200 Series rules are more demanding than those that apply to public schools, including concrete accountability through the approval and complaint processes.** Unlike public

¹ [SBE Rule Series 2200](#)

schools, **independent schools are subject to periodic review and approval by the State Board of Education.**

- Contrary to what your committee heard yesterday, **Vermont's approved independent schools are subject to the exact same nondiscrimination requirements as public schools**—the nondiscrimination requirements for independent schools are detailed Rule 2222.2, which mirrors, word for word, the non discrimination requirements in EQS (public school rules).
- **All Vermont school employees and others working with students are required to undergo background checks under 16 V.S.A. § 255.** This requirement applies to all independent schools as well as public schools.
- Special Educators serving students on Individualized Education Plans (IEPs) at Vermont independent schools are required to be licensed under Rule 2229.2. This is not a matter of debate, as claimed on Slide 12 of yesterday's presentation—it is a matter of law.
- All publicly funded Vermont independent school students are required to participate in all statewide assessments under 16 V.S.A. § 164(9), 16 V.S.A. § 166(g), and Rule 2223.3.5. Schools report results from these assessments to the Agency of Education.
- Vermont's nonprofit independent schools, like all nonprofit organizations, publicly report financial information through IRS Form 990.
- It was suggested that Act 46 did not impose the same consolidation requirements on tuitioning districts as it did on fully operating districts. This is demonstrably false. Section 4 of Act 46² put non-operating and fully operating districts on exactly the same footing—it did not require non-operating districts to merge with operating districts involuntarily, nor did it require operating districts to give up their operating status and merge with non-operating districts. Contrary to what was suggested, the record clearly shows that Act 46 resulted in the elimination of numerous non-operating districts. Board members of the Friends of Vermont Public Education are aware of this—one served on a school board that absorbed a non-operating district as part of Act 46 and another was the Chair of the Board of Education when the board oversaw these mergers.
- As introduced, H.813's numerous requirements for Vermont independent schools, including but not limited to the imposition of EQS, would apply to all approved independent schools—not just those schools that remain eligible for public funding. **H.813 does not offer the opportunity for an approved independent school to opt out of these requirements, as Ms. DeCarolis falsely claimed** during yesterday's testimony. Ironically, H.813 would open the door to all kinds of other schools (beyond the 18 approved independent schools eligible for public tuition under Act 73) to avail themselves of public funding.

² [Act 46 of 2015](#)

- Finally, **the data on tuitioning costs on Slide 13 has many serious issues:**
 - As Ms. DeCarolus acknowledged to the committee, the data on this slide is not available on the Agency of Education’s website.
 - The misinformation presented on elementary school tuitioning is particularly egregious. With few exceptions, Vermont’s independent elementary schools receive the “Average Announced Tuition” for publicly funded students, which was \$16,756 for elementary students in FY24. The “per pupil rate” claim of \$23,180.66 for independent elementary schools on this slide clearly does not reflect reality.
 - The most reliable comparison of tuition can be sourced from the AOE’s published report of “Allowable Tuition³,” which provides the actual tuition costs of Vermont public schools—and the statewide average of those schools. When compared against the public tuition paid to Vermont’s independent schools, the data demonstrates that public tuition paid to Vermont’s independent schools is typically lower than the statewide public school average—this is particularly true for the majority of schools that can only accept the “Average Announced Tuition⁴,” which is materially lower than the actual “Average Allowable Tuition” rate.
- Ultimately, independent schools are accountable to the communities and families they serve—the electorate holds the power to choose whether they want to tuition students or operate their own public school.

Finally, we would like to reinforce the shared values⁵ that all VISA member schools are committed to:

- Students come first; our schools are governed by a student-centered philosophy.
- Our schools exist to ensure that there is a diversity of learning environments and educational opportunities to meet the unique needs of each student.
- We are welcoming to all students and staff regardless of race, gender, gender identity, ethnicity, culture, nationality, sexual orientation, social and economic status, physical and learning differences, religion, or other characteristics that contribute to each individual’s full identity.
- We embrace and promote diversity, equity, inclusion and belonging within our schools, with practices, pedagogies, and curricula that are culturally responsive, anti-racist, and affirming of individual identities.

³ [2023-2024 AOE Allowable Tuition Report](#)

⁴ [2023-2024 AOE Announced Tuition Report](#)

⁵ [VISA Shared Values](#)

- We uphold and fully support, without qualification, anti-discrimination laws and regulations.
- Our schools are committed to self-evaluation and continuous improvement.
- The sustainability of our schools and the quality of educational opportunities they provide are best governed by appropriately constituted and independent governing boards.

VISA appreciates the Chair's desire to avoid getting bogged down in distractions from the committee's principal focus this year; in deference to the Chair's wishes, we are not asking for valuable committee time. We are, however, asking that the committee acknowledge that there is a rebuttal to the misinformation presented yesterday and to publish this response as part of the formal record.

We hope that you find this memo helpful in correcting the record on independent school oversight and funding. Please do not hesitate to reach out anytime with questions on the vital role that independent schools play in our communities and in Vermont's education system.