



Independent School Approvals

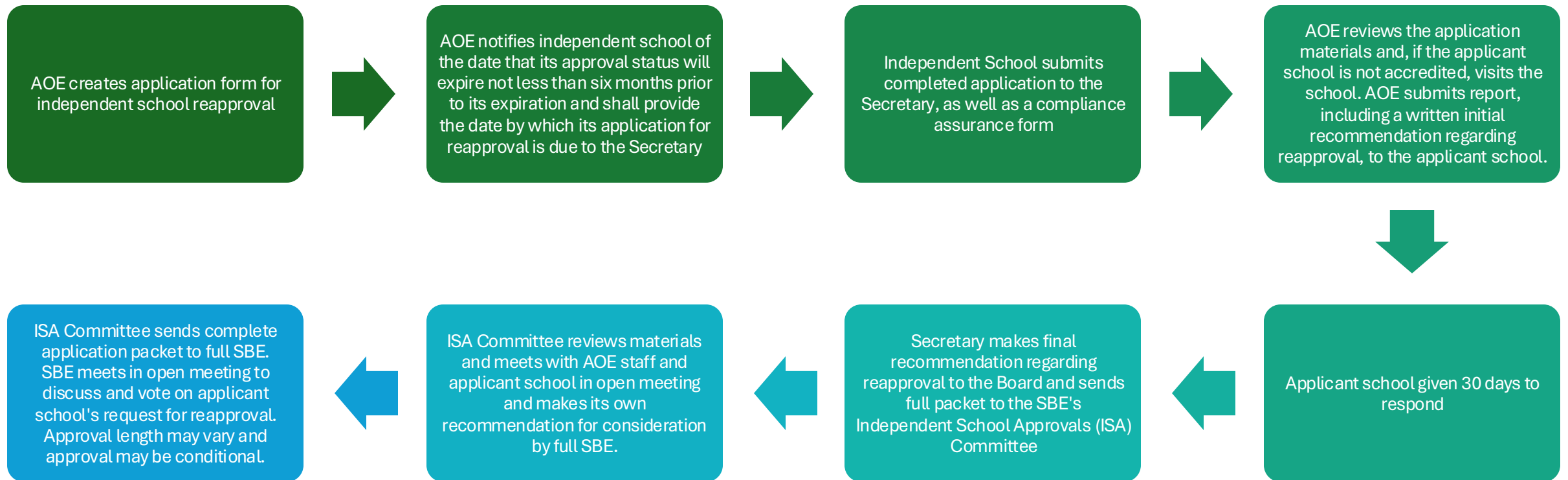
Testimony to the House Education Committee

Jennifer Deck Samuelson, Chair

Tammy Kolbe, Vice Chair

April 17, 2025

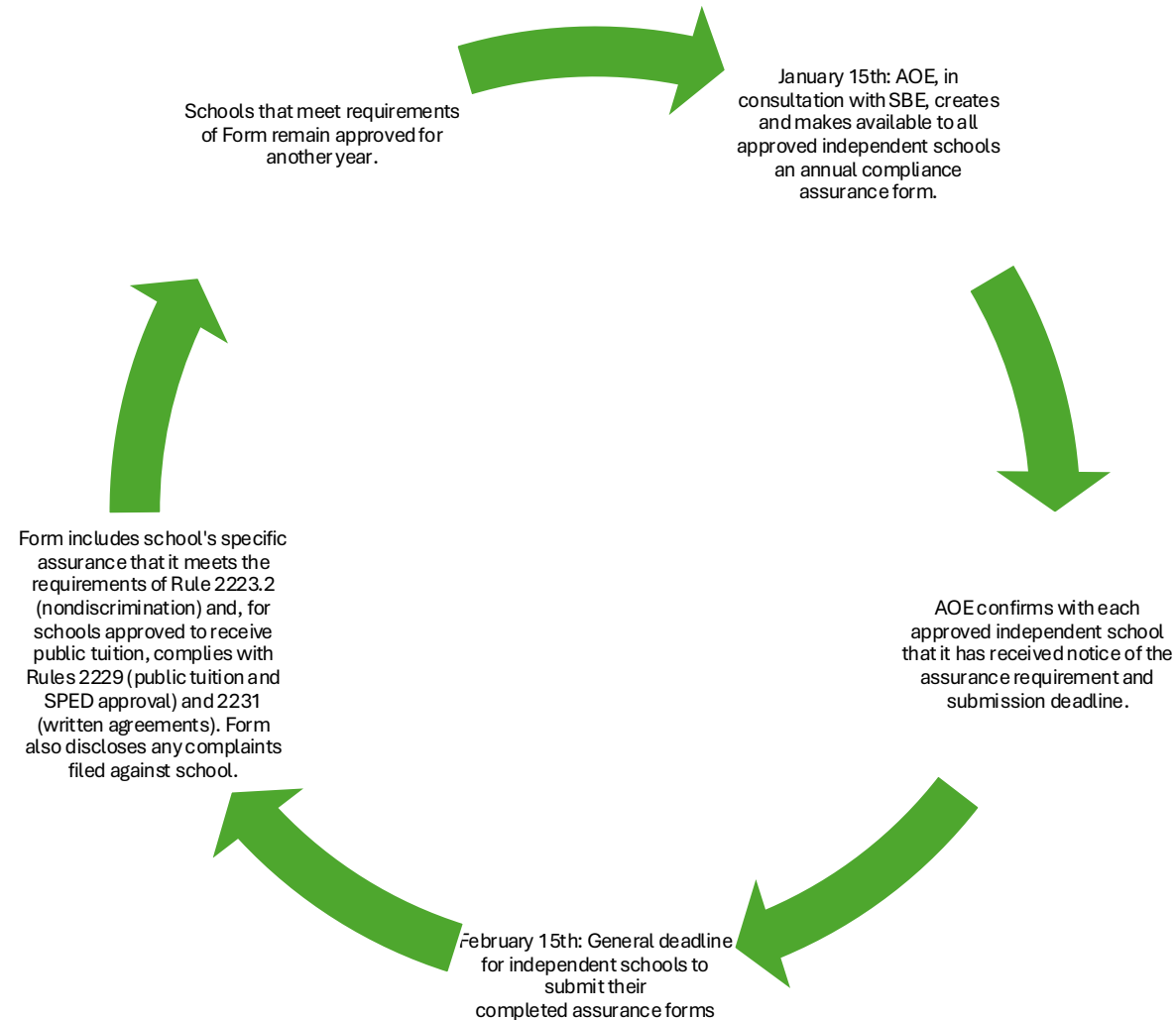
Approval of Independent Schools Flowchart (SBE Rules 2223 and 2224)



General Substantive Requirements for Independent School Approval

- Independent schools seeking approval or reapproval must meet requirements of law and SBE Rules 2223 (Requirements to Operate as an Approved Independent School) and 2224 (Application and Reapplication for Approval; Approval Process)
- Secretary shall recommend approval where an independent school:
 - provides a minimum course of study pursuant to 16 V.S.A. §906
 - Rule 2223.3.3(a) (Professional Staff)
 - Rule 2223.3.3(b): (Instructional Strategies) (*effective 7/01/2025*)
 - Rule 2223.3.3(c): (Curriculum Content Areas) (*effective 7/01/2025*)
 - substantially complies with all statutory requirements and SBE rules for approved independent schools
 - fully complies with:
 - Rule 2223.1 (General Requirements for Approved Schools)
 - Rule 2223.2 (Nondiscrimination Requirement for Approved Schools);
 - Rule 2223.2.1 (Nondiscrimination Statement and Policy); and
 - Rule 2223.4 (Annual Compliance Assurance)
- If seeking public tuition, independent school must additionally demonstrate compliance with:
 - Rule 2229 (Approval to Receive Public Tuition; Special Education Approval)
 - Rule 2231 (Written Agreements Required)

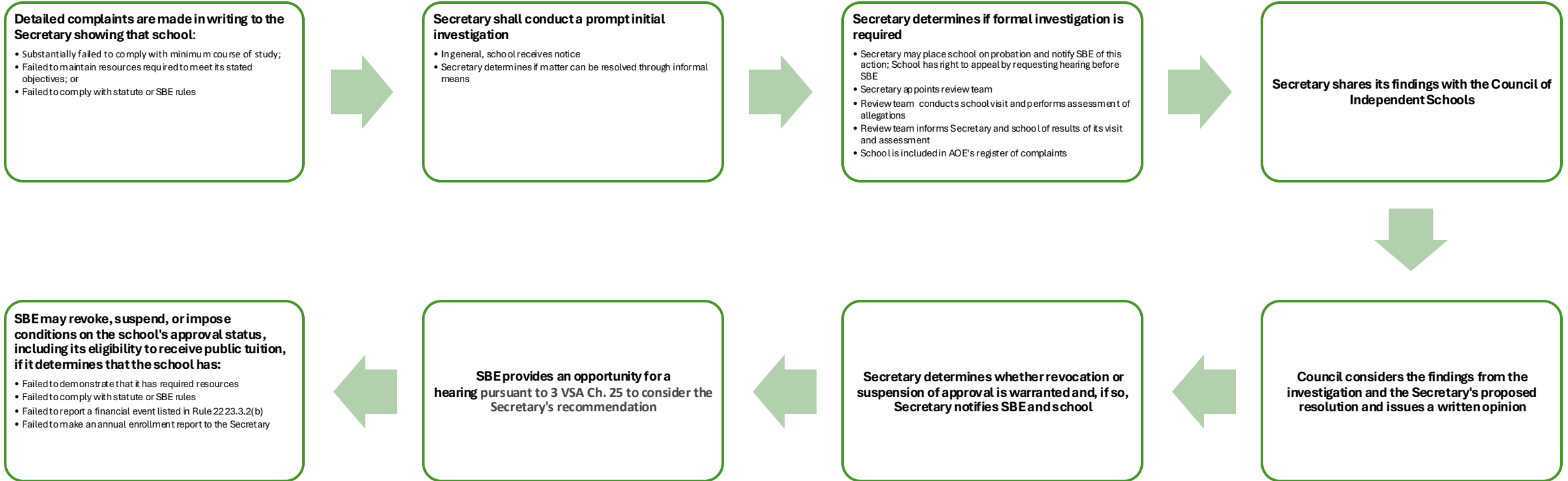
Annual Assurance by Independent Schools (SBE Rule 2223.4)



Annual Assurance by Independent Schools (SBE Rule 2223.4)

- Considerations when a school misses the AOE deadline:
 - Are there circumstances that are unforeseen or beyond a school's control that prevent submission of the form by the announced due date?
 - ➔ School may request, and Secretary may grant, approval to submit the form on an alternate date
- Did the school fail to submit its form?
 - ➔ Secretary shall promptly contact the school regarding its deficiency
 - ➔ Secretary shall promptly notify the Board that the school is out of compliance
 - ➔ Board may revoke, suspend, or impose conditions on the school's approval status, including its ability to receive public tuition
 - School is provided an opportunity for a hearing
 - Board must find that "school has failed to comply with the requirements of this Subsection without a showing of good cause"

Complaints and Investigations (SBE Rule 2226)



Rule Series 2200: SBE Role

The Board's Role is Limited to:

- Adopting rules for approval
- Making findings before approving schools that meet the requirements of Title 16 and the Board's Rules *upon Recommendation of the Secretary*
- Conducting quasi-judicial due process hearings to revoke or suspend independent school approval *upon Recommendation of the Secretary*

Resources:

- Link to Rule Series 2200: <https://education.vermont.gov/documents/edu-sbe-rule-series-2200-final-rule>
 - Rule 2223 ("Requirements to Operate as an Approved Independent School") (pp. 5–13)
 - Rule 2224 ("Application and Reapplication for Approval; Approval Process") (pp. 13-17)
 - Rule 2226 ("Complaints; Investigations; Due Process Hearings") (pp. 18-20)
- 2025 AOE Independent School Annual Compliance Assurance Form: https://www.cognitoforms.com/VermontAgencyOfEducation/_2025StateBoardRule22234IndependentSchoolAnnualComplianceAssurance
 - *Tip: Click on options for additional required assurances and pop-up instructions*
- AOE Management Plan for Addressing Independent School Site Review Backlog: <https://education.vermont.gov/sites/aoe/files/documents/edu-sbe-is-backlog-application-review-progress-report-corrected.pdf>