

Independent School Approvals

Testimony to the House Education Committee

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

AOE creates application form for independent school reapproval



AOE notifies independent school of the date that its approval status will expire not less than six months prior to its expiration and shall provide the date by which its application for reapproval is due to the Secretary



Independent School submits completed application to the Secretary, as well as a compliance assurance form



AOE reviews the application materials and, if the applicant school is not accredited, visits the school. AOE submits report, including a written initial recommendation regarding reapproval, to the applicant school.



ISA Committee sends complete application packet to full SBE. SBE meets in open meeting to discuss and vote on applicant school's request for reapproval. Approval length may vary and approval may be conditional.



ISA Committee reviews materials and meets with AOE staff and applicant school in open meeting and makes its own recommendation for consideration by full SBE.



Secretary makes final recommendation regarding reapproval to the Board and sends full packet to the SBE's Independent School Approvals (ISA) Committee



Applicant school given 30 days to respond



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)

Schools that meet requirements of Form remain approved for another year.

January 15th: AOE, in consultation with SBE, creates and makes available to all approved independent schools an annual compliance assurance form.

Form includes school's specific assurance that it meets the requirements of Rule 2223.2 (nondiscrimination) and, for schools approved to receive public tuition, complies with Rules 2229 (public tuition and SPED approval) and 2231 (written agreements). Form also discloses any complaints filed against school.

AOE confirms with each approved independent school that it has received notice of the assurance requirement and submission deadline.

February 15th: General deadline for independent schools to submit their completed assurance forms



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)

Detailed complaints are made in writing to the Secretary showing that school:

- Substantially failed to comply with minimum course of study;
- Failed to maintain resources required to meet its stated objectives; or
- · Failed to comply with statute or SBE rules



Secretary shall conduct a prompt initial investigation

- In general, school receives notice
- Secretary determines if matter can be resolved through informal means



Secretary determines if formal investigation is required

- Secretary may place school on probation and notify SBE of this action; School has right to appeal by requesting hearing before SBE
- · Secretary appoints review team
- Review team conducts school visit and performs assessment of allegations
- Review team informs Secretary and school of results of its visit and assessment
- · School is included in AOE's register of complaints



Secretary shares its findings with the Council of Independent Schools



SBE may revoke, suspend, or impose conditions on the school's approval status, including its eligibility to receive public tuition, if it determines that the school has:

- Failed to demonstrate that it has required resources
- Failed to comply with statute or SBE rules
- \bullet Failed to report a financial event listed in Rule 22 23.3.2(b)
- Failed to make an annual enrollment report to the Secretary



SBE provides an opportunity for a

hearing pursuant to 3 VSA Ch. 25 to consider the Secretary's recommendation



Secretary determines whether revocation or suspension of approval is warranted and, if so, Secretary notifies SBE and school



Council considers the findings from the investigation and the Secretary's proposed resolution and issues a written opinion



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

