Memorandum

March 5, 2026

To: House Education Committee

From: Board of Directors, Friends of Vermont Public Education

Subject: Clarification of H.813 Testimony

Dear Chair Conlon, Vice Chair Taylor, Ranking Member Brady, and Honorable House Education Committee Members,

Thank you for inviting Friends of Vermont Public Education to testify on Wednesday, February 25th, regarding H.813. In response to the testimony provided by the Vermont Independent Schools Association (VISA) on February 26, 2026, we believe the committee would benefit from further clarification, especially as they spoke directly to our testimony. To support that goal, we have created a detailed response of Friends' position related to both H.813 and specific statements outlined in VISA's testimony, preceded by an executive summary. We would appreciate that our complete response be published as part of the formal record.

EXECUTIVE SUMMARY

Background: Vermont's education system currently operates under a double standard. Public schools must adhere to Education Quality Standards (EQS) and District Quality Standards (DQS), whereas private/independent schools operate under the 2200 rule series, which imposes fewer requirements for teacher licensing, financial transparency, and curriculum alignment. This fragmentation creates a lack of accountability for taxpayer funds, an inconsistent educational experience for students depending on which "system" they enter, and the inability to have data based conversations about student outcomes across the state. H.813 aims to create an education system with one set of rules. The issue isn't a debate on whether one side's rules are better than another, but rather whether the State can assert its legal and moral authority in assuring that our public education system is equitable, transparent and fiscally sound when there are two sets of differing rules governing two different systems that receive public funds.

Legislative decision-making is currently hampered by inconsistent and inaccurate data provided by the Agency of Education (AOE); the AOE and the State Board of Education (SBE) are hampered by managing an unnecessarily onerous set of parallel rules that complicates an already complex system. Having one set of rules would allow the AOE and the SBE to be more effective.

End the debate; pass H.813.

Main Findings

1. The existence of two separate rules for publicly-funded education creates unnecessary complexity and inequity, and undermines transparency and informed decision-making.
2. The Secretary of Education has acknowledged on more than one occasion reporting inaccurate data and errors in AOE data generally, most recently in The State Report Card during the week we testified. This further validates concerns we have raised that current and consequential policy discussions may be based on flawed information.
3. H.813 is based on a straightforward premise informed by our constitutional form of government – if public tax dollars pay for it, and the government is responsible for it, then the public should have a say in it. H.813 is a pro-accountability bill. It seeks to standardize the rules of engagement for any school—public or private—that educates publicly-funded Vermont students.

Recommendations

1. Implement a single set of rules and standards for all schools (public and approved independent) that receive public tuition dollars.
2. Ensure all schools serving publicly-funded students must report a common set of data to a common set of data standards. Clear and complete data on all publicly-funded students and schools is necessary prior to making legislative changes to education policy.
3. Guarantee that students in districts that do not operate a school are protected by the same educational safeguards as students in operating public districts.

Why this proposal is valuable: By streamlining Vermont's educational rules and standards under H.813, we protect taxpayers, support educators, and—most importantly—ensure that a "publicly funded education" means the same thing for every child in Vermont, regardless of their zip code or school type. Let's trade a complicated system for a fair one.

DETAILED RESPONSE

We appreciate that the House Committee on Education received input from the Vermont Independent Schools Association (VISA) to get additional perspectives on H.813. We also observed that VISA spoke directly to Friends of Vermont Public Education's (Friends) testimony and, based on the concerns they raised, that perhaps the committee and VISA would benefit from further clarification. In service to that goal, we've organized this response by stating first VISA's concerns/assertions in **blue font** and then Friends' response in **black font**. Each is numbered.

VISA 1: *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.* **(p.1)**

Friends 1: FVPE made no statement as to the "for-profit" or "non-profit" status of any particular school and did not reference VISA as an organization.

As a technical point of clarification, there are 46 approved independent schools eligible to receive public tuition listed in the FY26 Vermont Education Directory. This is also reflected in the AOE Independent School Annual Tuition Rate report for FY26 which excludes the 18 independent schools referenced by VISA. This report includes therapeutic schools who, consistent with definitions provided in SBE Rule Series 2200 (p.5), are schools "**eligible to receive public tuition, which is inclusive of both general and special education services,** at a rate approved by the Agency of Education" [emphasis added].

VISA 2: *Independent schools are already strictly regulated by the State Board of Education under the 2200 Rule Series, 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 schools, independent schools are subject to periodic review and approval by the State Board of Education* [emphasis added]. **(pp.1-2)**

Friends 2: While we would recommend that the Legislature independently assess any claims as to whether one set of rules are more "demanding" than another, we do find the underlined statement (above) promising as it suggests that at least the VISA membership schools are well-positioned to meet the rules and standards governing public schools. We have included below a summary of annual reporting and compliance requirements for Independent and Public Schools as required in Rule 2200, and EQS & DQS respectively to assist this body.

We wouldn't recommend that any school be prevented from holding themselves to a higher standard if they so choose, public or private. At a very minimum, all schools that receive public education dollars should comply with public school rules. If they do not receive public education dollars, we have no objection to them being held to different standards.

VISA 3: *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 2223.2, which mirrors, word for word, the nondiscrimination requirements in EQS (public school rules). (**p.2)**

Friends 3: Again, this is another promising example of what would appear to be a light lift for independent schools when transitioning to the rules and standards governing our Vermont public supervisory unions/districts and schools.

What's the benefit? There are significant efficiencies to be gained for both the State Board of Education and the Agency of Education in having to administer one common set of rules and standards for any school receiving public education dollars. If both public schools and private schools are held to the same nondiscrimination requirements as VISA has argued, why require the SBE and AOE to engage in an unnecessarily onerous duplication of effort based on two distinct sets of rules?

VISA 4: *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.* **(p.2)**

Friends 4: As we shared on slides 5 and 12, we emphasized the importance of ensuring that all students who are publicly funded attend schools that have trained and licensed educators, including special educators for those students attending any approved independent school eligible to receive public funds, consistent with 16 V.S.A. Chapter 51 and as further delineated in the District Quality Standards (e.g., DQS 111.3) and Education Quality Standards (e.g., EQS 2121.3 and 2121.4).

What's the benefit? Again, there are significant efficiencies to be gained for both the State Board of Education and the Agency of Education in having to administer one common set of rules and standards for any school receiving public education dollars. As many would acknowledge, there is significant opportunity to grow pathways that encourage the growth and diversification of our licensed educator pool. It would benefit AOE staff if they could focus their energies on developing and maintaining one set of diverse pathways to educator training and licensure versus having to administer two distinct sets of licensing standards.

VISA 5: *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.* **(p.2)**

Friends 5: While many independent schools may elect to hire trained and licensed special educators, it is not a requirement of Rule 2229.2. Further, independent schools are not subject to IDEA, the LEA is. This is evident in Rule Series 2200 as listed below when:

1. Despite paying ***"special education fees"*** over the general education tuition charged by the independent school (as defined in Rule Series 2200, p.4), approved independent schools can either hire staff with the required licensure or they can contract for services (2229.2);

2. "To ensure the provision of services in the student's individualized education program, the independent school approved for public tuition and the LEA may use any or all of the methods listed below to ensure the provision of those services, including

1. the school recruiting and hiring special education **or other professional or paraprofessional staff;**
2. **the school contracting directly with service providers to provide the services at the school if the services are not otherwise available at the school;**
3. **the school contracting with the LEA to provide the services;** and
4. **the LEA providing the services at a public school operated by the LEA or another public school** [emphasis added]." (2229.4 (f), p.24)

3. In 2229.4(h) it states, "If the hearing officer determines **the independent school approved for public tuition is unable to provide the required individualized education program services due to an inability to retain qualified staff,** the LEA shall immediately convene an individualized education program meeting to consider alternatives.

1. T**he independent school approved for public tuition shall not be subject to any disciplinary action or revocation of its approval by the Board** under Subsection 2226.2 (Revocation or Suspension of Approval) due to its failure to enroll or continue to enroll the student" [emphasis added]. (p.24)

4. And finally, perhaps most concerningly, **"(i) This Subsection 2229.4 shall not apply to a therapeutic independent school"** [emphasis added] (p.25). The risk is evident in the case of a therapeutic school that had no education program in place for far too long; a failure to protect the civil rights of enrolled students.

Special education in Vermont is structured by federal law. 34 CFR Section 300.146 and 300.147 require that Vermont monitor the compliance of private "independent" schools serving students with disabilities when those students have been placed in those schools by an LEA. However, per case law and a memo from OSEP, "IDEA does not require that private schools provide special education and related services that meet the needs of all students with disabilities, and it does not require that States certify all private schools to provide services to all students." It falls to the LEA to be responsible for ensuring these students still have access to a free and appropriate education (FAPE) in these settings. In Vermont, that free and appropriate education is defined by the Education Quality

Standards (EQS Rule Series 2000). If approved independent schools don't have to comply with the Education Quality Standards, an LEA can't be assured a student in those settings has access to FAPE. The assurances in 2229.3 are insufficient because they are not the same.

This situation isn't just about common sense, or what's practicable, or what's efficient. Our current scenario of different sets of rules related to different state and federal laws within the context of special education creates substantial risk for the State. H.813 goes a long way to doing what's best for students, schools, communities and the State by mitigating that risk.

VISA 6: *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.* **(p.2)**

Friends 6: We're unclear why VISA has included this as a point of clarification but we appreciate their highlighting the very problem we are attempting to illustrate–maintaining sets of separate, offset rules undermines the ability of the State to adequately administer and evaluate the effectiveness of our publicly funded education.

If approved independent schools serving publicly funded Vermont students are required to participate in state summative assessments and report student performance to the Agency of Education, why don't we see that data in the Annual Snapshot and State Report Card? As an example, on pages 135 -137, there are no reported 4-year graduation rates for students from the Kingdom East Supervisory District or the St. Johnsbury Supervisory District – two supervisory districts who do not operate high schools and who pay tuition on behalf of their students.

Further, there is no section of the Report Card that reports aggregated, or disaggregated student performance of publicly-funded students attending approved independent schools.

It's just missing.

Our question remains, how are we evaluating student, school, district and state performance when complete data pertaining to publicly-funded Vermont students are missing from the Vermont Education Dashboard, the ESSA Annual Snapshot and the State Report Card?

Finally, we note that VISA excluded important language from Rule 2223.3.5 (f) regarding student assessment–approved independent schools are required to "measure attainment of standards for student performance for publicly funded students, as required by 16

V.S.A. §164(9), and provide data related to the assessments to the Secretary as required by 16 V.S.A. §166(g); **schools are encouraged to also provide the data to local education agencies"** (Rule Series 2200 Final Rule, p.11). It's insupportable that approved independent schools are not required to share student performance data with the public school districts funding those students, but are required to share those data with the Agency of Education who refuses to report those data. Maintaining one set of rules would go a long way to ensuring transparency, efficiency and effectiveness of state administration of public education at all levels.

VISA 7: *Vermont's nonprofit independent schools, like all nonprofit organizations, publicly report financial information through IRS Form 990.* **(p.2)**

Friends 7: We appreciate that Vermont's nonprofit independent schools are in compliance with Section 501 of the Internal Revenue Code. We did not suggest otherwise. However, consistent with the language proposed in H.813, we support a consistent standard applied to all schools accepting public education dollars that they prepare and disseminate an annual budget to the public as well as the Agency of Education for timely decision-making.

While nonprofits are legally required to make their three most recent 990s available to the public, that does not necessarily help the State and Legislature when attempting to make consequential decisions about the funding of education or to identify potential efficiencies. IRS Form 990s generally become public 2–6 months after they are e-filed with the IRS, though they may take up to 12–18 months after the end of a nonprofit's fiscal year to appear on public databases like GuideStar or the IRS Tax Exempt Organization Search or ProPublica.

VISA 8: *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 46 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.* **(p.2)**

Friends 8: This statement misstates our testimony. We testified that independent schools were not subject to the requirements laid out in Act 46 (2015).

While we understand that VISA may be attempting to articulate that independent schools may have felt the impact of Act 46's consolidation of public school districts, it remains true that independent schools were not governed by Act 46.

Further, we would point out that despite Act 46 not affecting independent school governance, due consideration was given to Vermont independent schools in Act 46 on p.4 in ***Section 4: TUITION PAYMENT; SCHOOL OPERATION; PROTECTIONS; INTENT***

(a) Tuition payment; protection. *All governance transitions contemplated pursuant to this act shall preserve the ability of a district that, as of the effective date of this section, provides for the education of all resident students in one or more grades by paying tuition on the students' behalf, to continue to provide education by paying tuition on behalf of all students in the grade or grades if it chooses to do so and shall not require the district to limit the options available to students if it ceases to exist as a discrete entity and realigns into a supervisory district or union school district* [emphasis added].

VISA 9: *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.* **(p.2)**

Friends 9: As was stated on slides 4, 7 and 15, we read H.813 as working within the framework and aligned with the goals of Act 73.

However, if we are understanding VISA's concerns, this seems to be a non-issue. As only 46 approved independent schools are eligible to receive public dollars, it would track that only 46 schools would need to follow the same rules as public schools to continue to receive those public dollars. As VISA has helpfully pointed out in previous bullets above, this seems not only eminently achievable, but a common sense solution to decomplicate the work of the State Board and AOE in managing multiple sets of parallel rules that as VISA pointed out, in many instances may be duplicating effort.

Regarding VISA's issue of opting out, any independent school, approved or otherwise, can always opt not to take public funds and thus would not be held to the standards outlined in H.813. While we have 46 approved independent schools eligible to receive public funds, that is out of a universe of 113 independent schools in Vermont – many of which have elected to not serve publicly-tuitioned students.

VISA 10: *Finally, the data on tuitioning costs on Slide 13 has many serious issues: As Ms. DeCarolis 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 Tuition," 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 Tuition," which is materially lower than the actual "Average Allowable Tuition" rate. **(p.3)**

Friends 10: We appreciate how frustrating it is that this document is no longer available on the Agency of Education website. However, it was publicly available at the time these data (p.36) were shared with the Senate Education Committee during testimony provided on February 20, 2025. The varying accessibility and content of publicly available information further illustrates that addressing state data and reporting infrastructure, and de-complicating key rules and systems that govern and inform our education accountability system, should be a priority supported by passage of H.813.

However, these data were provided to the School Redistricting Task Force several months after the data table on Slide 13 was created, and can be accessed on the Agency of Administration website via the Data widget where they are included as part of **Section A: Data on Cost Drivers**. We would also be happy to provide the original download to the Committee, as well as screenshots of the technical properties of the spreadsheet that indicate that the spreadsheet was created January 13, 2025, authored by Ted Gates, and last modified on February 1, 2025 by Sean Cousino.

We would note here that the last publicly available report listing all approved independent school tuition is from the 2023-2024 school year. The AOE Independent School Annual Tuition Rate report for FY26 excludes the 18 independent schools that VISA references at the top.

VISA 11: *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.* **(p.3)**

Friends 11: We don't see H.813 being in conflict with this statement.

VISA 12: *Students come first; our schools are governed by a student-centered philosophy.* **(p.3)**

Friends 12: We appreciate this statement from VISA and see this as good news. It suggests that it would be a light lift for approved independent schools eligible to receive public

funds to meet state board rules and statutory requirements such as 16 V.S.A. Subchapter 23.

VISA 13: *Our schools exist to ensure that there is a diversity of learning environments and educational opportunities to meet the unique needs of each student.* (**p.3)**

Friends 13: That may be the rationale for the marketplace. However, public schools exist in Vermont as 16 V.S.A. § 1 states because "[t]he right to public education is integral to Vermont's constitutional form of government and its guarantees of political and civil rights. Further, the right to education is fundamental for the success of Vermont's children in a rapidly-changing society and global marketplace as well as for the State's own economic and social prosperity. To keep Vermont's democracy competitive and thriving, Vermont students must be afforded substantially equal access to a quality basic education. However, one of the strengths of Vermont's education system lies in its rich diversity and the ability for each local school district to adapt its educational program to local needs and desires. Therefore, it is the policy of the State that all Vermont children will be afforded educational opportunities that are substantially equal although educational programs may vary from district to district."

In order to meet the constitutional and statutory requirements that every learner in Vermont can access a substantially equal education we should minimally ensure that every tax dollar funding public education is bound by the same laws and rules.

VISA 14: *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.* **(p.3)** *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.* (**p.3)** *We uphold and fully support, without qualification, anti-discrimination laws and regulations.* **(p.4)** *Our schools are committed to self-evaluation and continuous improvement.* **(p.4)**

Friends 14: And we thank and appreciate them for that. One responsibility of public bodies is a public purpose. In the case of advancing equity and inclusion, this would seem to include open enrollment and preclude, as an example, charging fees to enroll, or requiring additional tuition payments from families beyond that which is approved by voters of the sending school district.

In addition, given data provided by the Agency of Education (see g.3 and g.4) that suggests that VT private independent schools, on average, enroll a disproportionate number of economically privileged students compared to the public schools with which they compete for public students and public dollars, committing to open enrollment lowers barriers that contribute to socioeconomic segregation.

One set of standards and rules would not only advance the intent of Act 73, but also the stated goals, vision, and mission of VISA member schools.

VISA 15: *The sustainability of our schools and the quality of educational opportunities they provide are best governed by appropriately constituted and independent governing boards.* **(p.4)**

Friends 15: We disagree. If the public funding of students is integral to the sustainability of independent schools, so too must be public transparency and representation on governing boards. We would point out that licensed educators at Vermont's historical academies participate in the VT State Teachers Retirement system, and the state pays an annual contribution to their retirement– a vestige of their former status as public schools with private boards and a reflection of their historical role in providing access. We think meeting the same standards is consistent with participation in the retirement system. Further, we would note that previously Burr and Burton has cited its "municipal" status in litigation to access benefits associated with public bodies. One responsibility of public bodies is a public purpose; and with public purpose comes accountability to the public.

So again, after reading VISA's testimony and their incredibly helpful articulation of their membership's commitment to high quality education and capacity to meet high standards – what is so controversial about the same public rules and accountability following public dollars?

Annual Reporting & Compliance Requirements for Independent & Public Schools

Please note, the rules governing public local education agencies (LEAs) are myriad across state and federal laws and regulations. What is included below is only a narrow sampling of a small subset of state rules, SBE Rule Series 2000 and Rule 100 of the District Quality Standards series as a comparison for independent schools, Rule Series 2200. This excludes relevant state rules governing LEAs including Series 1300 - Special Education Finance and Census-Based Funding, Series 2360- Special Education Rules, Series 2500 - School Accountability System Based on Student Achievement, Series 4000 - Pupils, Series 4500 - Use of Restraint and Seclusion in Schools, Series 5000 - Licensing of Educators and the Preparation of Educational Professionals, and myriad others. We would recommend reviewing all State Board Rules and Practices for a complete understanding.

Independent Schools Rule 2200	**Public Schools - Rule 2000 Education Quality Standards (EQS) & Rule 100 District Quality Standards (DQS)**
Frequency - renewal period 3-5 years; Application for approval and/or renewal: **Standard Application for Independent Schools Eligible to Receive Public Funds, Approved Therapeutic Schools, and Approved Independent Schools Ineligible to Receive Public Funds.**	**Annual** reporting related to federal and state statutes, including FERPA, IDEA, student count, etc. **Annual elections** for board members, budget vote, and other articles periodically. **Publicly warned meetings,** with opportunity for the public to be heard at each meeting.
Independent School Annual Assurance Form regarding non-discrimination; due by February 15 each year. **** Annual Assurance Form not currently available on the AOE website but for questions on requirements please contact J. Deborah Ormsbee at deborah.ormsbee@vermont.gov; or Pat Pallas-Gray at pat.pallasgray@vermont.gov	**Superintendent Annual Assurance**, due by end of May each year**:** **Memo from AOE:** https://education.vermont.gov/sites/aoe/files/documents/edu-memo-supts-assurances-survey-2024.pdf **Superintendent Annual Assurance Survey:** https://www.cognitoforms.com/VermontAgencyOfEducation/AgencyOfEducationSuperintende

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2223.2 Nondiscrimination Requirement for Approved Independent Schools No student shall be unlawfully excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity as the result of, or based upon, the student's race, gender, color, creed, religion, national origin, marital status, sexual orientation, gender identity, or disability, or any other reason set forth in state or federal law.	**2124.1. Minimum Reporting Requirements** Each supervisory union or supervisory district shall report student and system performance results, on a school-by-school basis, **to the community at least annually** in formats selected by the school district board. At minimum, the report shall include indicators provided by the Agency, those identified in 16 V.S.A. §165(a)(2), and other locally determined indicators, including, but not limited to, indicators that describe students': (a) academic performance using data from the most recent state and local assessments and other information related to student academic performance that describes student progress toward meeting academic standards; (b) graduation, withdrawal, retention, and school attendance rates; (c) enrollment in and completion of flexible pathways, including career technical education, virtual learning, work-based learning, service learning and internships, community research and civic and community engagement, dual enrollment, and early college; (d) social and emotional well-being; (e) discipline, including suspensions and detention actions; (f) incidents of harassment, hazing, and bullying as required in 16 V.S.A. §164(17); (g) referrals to and participation in programs for students with disabilities, including Section 504 and special education as defined by federal and state law; and (h) participation in school programs, including enrollment in and successful completion of flexible pathways, career training opportunities,

	advanced placement courses, and extracurricular activities.
2229.3 Assurances An independent school approved for public tuition shall demonstrate that it has the ability to serve all students with disabilities by: (a) demonstrating an understanding of special education requirements, including: 1. provision of a free and appropriate public education in accordance with federal and state law, 2. provision of education in the least restrictive environment in accordance with federal and state law, 3. characteristics and educational needs associated with any of the categories of disability or suspected disability under federal and state law, and 4. procedural safeguards and parental rights, including discipline procedures, specified in federal and state law; (b) committing to implementing the individualized education program of an enrolled student with special education needs, providing the required services, and appropriately documenting the services and the student's progress; (c) employing or contracting with staff who have the required licensure to provide special education services; (d) agreeing to participate meaningfully in a student's individualized education program meetings, to include making every effort to attend scheduled meetings;	**2124.2. Requirements for Disaggregating Student-level Data** Student level indicators shall be disaggregated, at a minimum, by school and according to student subgroups, including students identified: (a) as economically disadvantaged; Page 20 of 23 (b) from major racial and ethnic groups, as defined by the US Census Bureau; (c) as having a disability, inclusive of students with Section 504 plans and students with individualized education programs, separately and in total; (d) with limited English proficiency, including immigrant children and youth; and (e) as publicly-funded students who attend an approved independent school, as made available by the Secretary. Student subgroups should be defined consistent with federal and state statutes and regulations and Agency policy. In no case shall a supervisory union or school district reveal personally identifiable information about an individual student or violate the state's minimum group size for reporting.

(e) agreeing to communicate with the responsible LEA concerning: 1. development of, and any changes to, the individualized education program, 2. services provided under the individualized education program and recommendations for a change in the services provided, 3. the student's progress, 4. maintenance of the student's enrollment in the school, and 5. identification of students with suspected disabilities; and (f) committing to participate in dispute resolution as provided under federal and state law and the Board's rules relating to special education dispute resolution.	
	2125. Continuous Improvement Plan .... The Plan should serve as the overall strategic plan for the supervisory union or supervisory district and incorporate reporting, planning, and implementation requirements of federal and state law, and any other regulatory requirement, including those that are local. The Plan shall be developed by involving a culturally and socially diverse group comprised of school board members, students, teachers, administrators, families, and other community members. The Plan shall be **reviewed at least annually** for effectiveness toward meeting the stated goals and shall be revised as necessary. The Plan shall include indicators provided by the Agency, including those identified in 16 V.S.A.

	§165(a) and indicators reported pursuant to Section 2124 (Reporting of Results), as well as any additional indicators determined locally. The Plan shall include student-level indicators aggregated for the supervisory union or supervisory district and disaggregated according to school and student subgroups as identified by Section 2124. The Plan shall also report on and consider findings from the supervisory union or supervisory district's self-evaluation, if applicable, conducted in accordance with Rule Series 100: District Quality Standards, and at a minimum contain: (a) goals and objectives for improved student learning; (b) educational strategies and activities specifically designed to achieve these goals, including professional learning of administrative and instructional staff; (c) strategies and support systems to ensure the school maintains a learning and social environment that is safe, orderly, civil, and positive, and equitable, anti-racist, culturally responsive, anti-discriminatory, inclusive, and free from harassment, hazing and bullying; and (d) required technical assistance from the Agency, as appropriate or determined by law. **The supervisory union or supervisory district board shall approve the Plan annually.**
	2126.1 Filing of Continuous Improvement Plan Pursuant to 16 V.S.A. §165(a)(1), each supervisory union or supervisory district is required to annually file a copy of its school or

	schools' Continuous Improvement Plan for the current school year with the Agency, as well as the following: (a) its responses to written public feedback and complaints, pursuant to Subsection 2121.1 (School Leadership), (b) a list of the indicators required by the Agency or these rules, and any additional indicators used by the school for reflection and creation of the school's Continuous Improvement Plan, (c) a description of the accomplishments, progress, and changes regarding goals and strategies from the previous year's Continuous Improvement Plan, and (d) other evidence of meeting Education Quality Standards. **2126.2. Review, Secretary's Recommendations, and State Board Action** Pursuant to 16 V.S.A. §165(b), at least annually, the Secretary shall determine whether students in each Vermont public school and independent school designated as meeting education quality standards are provided educational opportunities that are substantially equal in quality and that are equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive.
	Rule 100 - DQS Annual reporting on: 1) Business Operations a) Budgeting & Accounting b) Risk Management & Internal Controls c) Personnel Management d) Data Management

	2) Facilities Management & Safety 3) Governance a) Priorities b) Protocols c) Processes **130 Quality Assurance** 1) 131.1 Annual Self Evaluation for all areas above and EQS, to include the Continuous Improvement Plan 2) 131.2 Three-Year Intermediate Reviews 3) 131.3 Enforcement - If SU/SD is identified and fails to take corrective actions within two years: a) AOE may make recommendations for technical assistance for an additional year b) State Board can adjust SU boundaries c) AOE can assume administrative control of a school, SD or SU d) State Board can close a school e) State board can require two or more school districts to consolidate their structures. **132 Publication of "Metrics Regarding the Outcomes" of District Quality Reviews** 132.1 Within 60 days of deadline for submission of self-evaluation, the AOE will publish on its website SU/SD measurements under the DQS 132.2 Within 7 days of written identification in 131.2.2 above, the AOE will publish a list of SU/SDs identified for a three-year intermediate review