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H.736

Introduced by Representatives Stone of Burlington, Arsenault of Williston,  
Burrows of West Windsor, and Graning of Jericho

Referred to Committee on

Date:

Subject: Education; approved independent schools; antidiscrimination

Statement of purpose of bill as introduced: This bill proposes to require approved independent schools to confirm annually with the State Board of Education that the school (1) has a statement of nondiscrimination posted on the school’s website and included in the school’s application materials that is consistent with the Vermont Public Accommodations Act, 9 V.S.A. chapter 139 and the Vermont Fair Employment Practices Act, 21 V.S.A. chapter 5, subchapter 6 and (2) complies with the Vermont Public Accommodations Act, 9 V.S.A. chapter 139, in all aspects of the school’s admissions and operations.

An act relating to requiring approved independent schools to confirm compliance with the Vermont Public Accommodations Act

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 16 V.S.A. § 166 is amended to read:

§ 166. APPROVED AND RECOGNIZED INDEPENDENT SCHOOLS

1 (a) Authority. An independent school may operate and provide elementary  
2 education or secondary education if it is either approved or recognized as set  
3 forth in this section.

4 (b) Approved independent schools. On application, the State Board shall  
5 approve an independent school that offers elementary or secondary education  
6 if it finds, after opportunity for hearing, that the school provides a minimum  
7 course of study pursuant to section 906 of this title and that it substantially  
8 complies with all statutory requirements for approved independent schools and  
9 the Board's rules for approved independent schools. An independent school  
10 that intends to accept public tuition shall be approved by the State Board only  
11 on the condition that the school agrees, notwithstanding any provision of law  
12 to the contrary, to enroll any student who requires special education services  
13 and who is placed in or referred to the approved independent school as an  
14 appropriate placement and least restrictive environment for the student by the  
15 student's individualized education program team or by the local education  
16 agency; provided, however, that this requirement shall not apply to an  
17 independent school that limits enrollment to students who are on an  
18 individualized education program or a plan under Section 504 of the  
19 Rehabilitation Act of 1973, 29 U.S.C. § 794, and who are enrolled pursuant to  
20 a written agreement between the local education agency and the school.  
21 Except as provided in subdivision (6) of this subsection, the Board's rules must

1 at minimum require that the school have the resources required to meet its  
2 stated objectives, including financial capacity, faculty who are qualified by  
3 training and experience in the areas in which they are assigned, and physical  
4 facilities and special services that are in accordance with any State or federal  
5 law or regulation. Approval may be granted without State Board evaluation in  
6 the case of any school accredited by a private, State, or regional agency  
7 recognized by the State Board for accrediting purposes, provided that the State  
8 Board shall determine that the school complies with all student enrollment  
9 provisions required by law.

10 \* \* \*

11 (9)(A) Annually on or before August 1, an approved independent school  
12 shall provide the State Board of Education with the following information, on a  
13 form created by the Agency of Education:

14 (i) documentation confirming a statement of nondiscrimination is  
15 posted on the school's website and included in the school's application  
16 materials that is consistent with the Vermont Public Accommodations Act,  
17 9 V.S.A. chapter 139 and the Vermont Fair Employment Practices Act,  
18 21 V.S.A. chapter 5, subchapter 6; and

19 (ii) an assurance, signed by the head of the school, that the school  
20 complies with the Vermont Public Accommodations Act, 9 V.S.A. chapter  
21 139, in all aspects of the school's admissions and operations.

