

Responding to Requests to “Privatize”

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Can a District “Privatize” its Elementary School?

NO. An elementary school district either:

- 1. Operates a public elementary school in which all of its students enroll, or**
- 2. Pays tuition to one or more public schools**
 - a. If the voters grant specific authorization, the district also pays tuition to any approved independent school chosen by a student/parent

What About Town Academies?

- There is no such thing as a town elementary school academy in Vermont. There are public elementary schools and there are independent elementary schools.
- An independent school can use the word “Academy” in its name, but no independent elementary school in Vermont is a public or quasi-public entity with legal connections to the school district or to the town in which it is located.

What are the Differences Between a Public School District and an Independent School?

- An independent school is a private corporation governed by a privately selected board of directors
- Unlike a public school district, an independent school is:
 - Governed by a private board that is not elected by or accountable to the voters
 - Not subject to the open meeting laws
 - Not subject to public records requests
- This means that *any decision* by the private board of directors *can be made without the opportunity for public input and in a meeting that is not open to the public.*

What are the Differences Between a Public School District and an Independent School?

- Unlike a public school district, an independent school:
 - Is not required to provide special education services
 - Is not required to enroll every student who lives in the town in which it is located
 - Is not required to participate in the federal free and reduced price meal program
 - Does not submit a proposed budget to the voters for approval

What Happens if We Become a Non-Operating District?

- Unlike in a district that operates an elementary school:
 - Students in a non-operating district cannot be required to enroll in an independent elementary school located in their town
 - **There is no provision of law that allows for the designation of an elementary school (public or independent) as the school for the district**
 - Rather, the non-operating school district pays tuition to one or more public elementary schools
 - In addition, if the voters grant specific authorization, it pays tuition to any approved independent school chosen by a student/parent

What Happens if We No Longer Operate our Public School and Transfer it to a Private Entity?

- The board of the school district:
 - Will spend most of its time resolving residency issues
 - Will pay tuition to a public school operated by another district or to an approved independent school chosen by the student/parent
 - Will present a budget to the voters that is the total of all tuition invoices for the elementary students – *plus* the district's allocated share of SU expenses, including **any costs for special education services**
 - Has no control over the **school district budget -- the total school district budget is simply the total cost of tuition payments that must be paid regardless of whether the district approved that amount at the annual meeting or not**
 - Has no ability to influence or determine the policies, curriculum, budget, entrance requirements, hiring decisions, or any other school-related matter in any of the schools selected by the students/parents to which the district pays tuition

What Happens if We No Longer Operate our Public School and Transfer it to a Private Entity?

- The voters:
 - First have to decide whether or not to pay tuition to independent schools
 - Do not elect the board that governs the independent school that was formerly a public school or vote on the school's budget
 - Do not have a legal right to:
 - Attend meetings of the governing board of the private entity
 - Obtain details regarding the school's budget or other financial details
 - Influence or vote on the school's policies, curriculum, budget, entrance requirements, or any other school-related matters

What Happens if We No Longer Operate our Public School and Transfer it to a Private Entity?

- The parents:
 - Can enroll a student either in a public elementary school operated by another district **or in any approved independent school that is willing to accept their student, inside or outside the town**
 - If the student is enrolled in a public school or a nonsectarian approved independent school, then the parent directs the school board to pay tuition to the school in the amount permitted by statute
 - If the tuition charged by an independent elementary school is higher than the statutory amount permitted for publicly funded tuition, then the parent is required to pay the difference unless:
 - The **independent** school makes accommodations / provides a scholarship for the child, or
 - The voters authorize payment of a higher amount

What Happens if We No Longer Operate our Public School and Transfer it to a Private Entity?

- The independent school:
 - Has no ability to require parents residing in the town to send their student to that school
 - Is governed by an independent board that:
 - Is solely responsible for the establishment of school policies, curriculum, operating budget, entrance requirements, and all other school-related matters
 - Is not elected by the voters, not accountable to the voters or to the school district board
 - Is not required to allow the public to attend its board meetings
 - Is not required to provide financial information to the school district board, the voters, or the State
 - Even if it initially does or has stated an intention to do so, is not required to:
 - accept all students who reside in the district or any student who applies to it
 - provide special education services or other accommodations to enrolled students
 - participate in the federal free and reduced price meals program
 - Is not required to hire licensed teachers or teachers that have any relevant subject-matter training or experience

Questions?

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