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April 11, 2019

Testimony to Senate Education Committee regarding Act 173 Delay

Senator Baruth and Members of the Senate Education Committee:

My name is Tom Lovett. I am the Headmaster of St. Johnsbury Academy and the representative of the Council of Independent Schools on the Census-Based Funding Advisory Group.

From the first meeting of the Advisory Group formed under Act 173, we acknowledged the aggressive timeline for drafting the rules and the major cultural shift these rules would initiate once implemented. The Agency of Education had decided to separate their work into various stages, and the rules regarding independent schools were slated for later in the process. At the time, looking at the size of the work load ahead, the Advisory Group saw the logic in that approach.

As the rule-making process continued through February, more concerns started to be raised by various constituencies, and I convened a meeting of local superintendents and their special education coordinators and business managers to discuss their concerns with St. Johnsbury Academy staff and me. The concerns raised at that meeting involved the number of unknowns still left to be clarified, and the expectation that the rules would be drafted by April and adopted by November. In particular, the group was concerned about the lack of results from the weighting study, the lack of available data to determine the impacts on districts, and the lack of rules that would address professional development, funding, the IEP process, and MTSS implementation in independent schools.

I also convened a meeting with the heads of independent schools and participated in three teleconferences with the directors of special education from the larger independent schools. In these meetings, it became evident that the independent schools shared similar concerns.

By the end of March, the independent school rules still had not been drafted, and while different stakeholder groups had proposed some possible funding models, no one model or set of models had been drafted as part of the rules. The Agency of Education is busy drafting those rules, and Secretary French plans to hold a stakeholder meeting once a version has been drafted.

Therefore, when the topic of delay was raised at the April meeting of the Advisory Group, I voted in favor of a one-year delay as the representative of the Council of Independent Schools. The service delivery model and the funding models are still undefined for independent schools and the process for drafting those rules has been delayed. The professional development timeline for public schools has been delayed, and it is unclear how or if independent schools will receive professional development under the rules. Finally, as I listened to the concerns of our public school partners, I realized that they would not be able to fully engage in dialogue with us about the best way to include independent schools under Act 173 until many of their concerns were addressed.

Act 173 is a transformative piece of legislation, described by some as even more transformative than Act 46. We appreciate Secretary French's attentiveness to independent school concerns and his willingness to work with us to resolve issues. However, with the number of unknowns and the amount of professional development needed to ensure smooth and effective implementation, and acknowledging the Agency's continued efforts to draft rules at an aggressive pace, I support the request for a one-year delay.

Thomas W. Lovett
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