

Proposed Filing - Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” ([CVR 04-000-001](#)) adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms and enclosures with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted to the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of Proposed Filing Coversheet will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record. Publication of notices will be charged back to the promulgating agency.

PLEASE REMOVE ANY COVERSHEET OR FORM NOT REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Education Quality Standards (Rule Series 2000)

_____/s/ Jennifer Deck Samuelson_____, on 5/26/2023
(signature) (date)

Printed Name and Title:

Jennifer Deck Samuelson, Chair, Vermont State Board of Education

RECEIVED BY: *R&C.*

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Filing Confirmed



1. TITLE OF RULE FILING:

Education Quality Standards (Rule Series 2000)

2. ADOPTING AGENCY:

State Board of Education

3. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Kim Gleason, Member

Agency: State Board of Education

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Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://education.vermont.gov/rules>

4. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Bernie Lambek, Special Counsel

Agency: State Board of Education

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VT 05602

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5. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

n/a

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

n/a

6. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

16 V.S.A. sections 164 and 165; 2019 Act No. 1 section 1

7. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

16 V.S.A. section 165 requires Vermont public schools to meet education quality standards (EQS) to carry out Vermont's policy that all Vermont students will be afforded educational opportunities that are substantially equal in quality. 16 V.S.A. section 164(7) provides general authority for the State Board to adopt rules to carry out its powers and duties as directed by the General Assembly, within the limitations of legislative intent. The State Board's rules implementing 16 V.S.A. section 165 are located in its Manual of Rules and Practices Series 2000-EQS. In 2019 Act No. 1 ("An act relating to ethnic and social equity studies standards for public schools"), the legislature established an Ethnic and Social Equity Standards Advisory Working Group, authorized in section 1(g)(2) to review, among other things, State Board rules that pertain to curriculum. Based upon this review, the Working Group suggested changes to the EQS, which has led to the proposed updates to Rule Series 2000 submitted herewith.

8. CONCISE SUMMARY (150 WORDS OR LESS):

The proposed amendments to Rule Series 2000 -- Education Quality Standards (EQS) are designed to implement 2019 Act No. 1 ("An act relating to ethnic and social equity studies standards for public schools"), consistent with the legislative intent of both the Act and 16 V.S.A section 165 (the statute mandating EQS). The amended rule series is intended to ensure that students in Vermont public schools (and independent schools seeking designation as an independent school meeting EQS under 16 V.S.A. section 165(f)) are afforded opportunities that are substantially equal in quality and are equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive. The amended rule series enhances the curriculum, provides for a culturally responsive pedagogy, and prohibits discrimination against any student pursuing an education or participating in the

life or activities of a school based on a number of protected classifications.

9. EXPLANATION OF WHY THE RULE IS NECESSARY:

The amendments to the EQS rules are needed to implement the requirements of 2019 Act No. 1, as described in the Act and summarized above. Technical amendments were also made to comply with the statutory changes and current practices, and to ensure alignment with Rule Series 100, District Quality Standards.

10. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY AS DEFINED IN 3 V.S.A. § 801(b)(13)(A):

The State Board reviewed at length the recommendations submitted, after months of study and deliberation, by the Act 1 Working Group, a diverse and knowledgeable group of Vermonters with experience and credentials in the fields of education, ethnic studies, and social justice movements. The State Board itself has spent months of work developing the proposed amended rule series. The State Board has determined that there is a compelling need, evidenced by factual reports and studies (see Act 1, section 1(a)), to amend Rule Series 2000 to reasonably meet the goals of Act 1. The State Board has also strived to ensure that the proposed rule series is consistent with legislative intent, does not exceed the authority granted by its enabling legislation, and has been modified to ensure alignment with current statute and regulation.

11. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

The Vermont Agency of Education
Vermont State Board of Education
Vermont Supervisory unions and supervisory districts
Public schools in Vermont
Vermont independent schools seeking designation as an independent school meeting EQS
As to the above institutions: their boards, administrators, teachers, support staff, students, the broader school communities
Vermont School Boards Association
Vermont Superintendents Association
Vermont Principals Association

Vermont-NEA

12. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

The proposed rule series amends current Education Quality Standards to comply with the statutory intent of Act 1. As a result, to the extent a school district or supervisory union/supervisory district might be required to alter its expenditures to align with the amended EQS, these are more likely to be a redirection of financial resources (e.g., replacement of academic materials, alignment of professional development). The State Board of Education anticipates that the economic impact of the proposed rules themselves will be minimal. The greatest cost will likely be the intentional investment of time and resources to support educators in implementing these amended Education Quality Standards.

13. A HEARING WILL BE SCHEDULED.

IF A HEARING WILL NOT BE SCHEDULED, PLEASE EXPLAIN WHY.

14. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.

Date: 9/13/2023

Time: 06:30 PM

Street Address:

Zip Code:

URL for Virtual: Microsoft Teams

Meeting ID: 295 374 074 997

Passcode: pWvfs6

Or call in (audio only)

+1 802-828-7667,,784365723#

Phone Conference ID: 784 365 723#

Date: 9/28/2023

Time: 11:30 AM
Street Address:
Zip Code:
URL for Virtual: Microsoft Teams
Meeting ID: 248 193 899 80
Passcode: Pzf6dp
Or call in (audio only)
+1 802-828-7667,,726542768#
Phone Conference ID: 726 542 768#

Date: 10/3/2023
Time: 06:30 PM
Street Address:
Zip Code:
URL for Virtual: Microsoft Teams
Meeting ID: 294 323 603 790
Passcode: 7dXyTp
Or call in (audio only)
+1 802-828-7667,,738952581#
Phone Conference ID: 738 952 581#

Date:
Time: AM
Street Address:
Zip Code:
URL for Virtual:

15. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING): 10/15/2023

16. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Education quality standards

EQS

Rule Series 2000

Supervisory union

Supervisory district

School district

Education

Schools

School board

Equity

Ethnic group

Social group

Ethnic studies

Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

Education Quality Standards (Rule Series 2000)

2. ADOPTING AGENCY:

State Board of Education

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

SOS Log # 14-009, 4/15/2014

Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

Education Quality Standards (Rule Series 2000)

2. ADOPTING AGENCY:

State Board of Education

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

The proposed amendments to Rule 2000, Education Quality Standards establish a framework and set expectations that all Vermont public school students are afforded educational opportunities that are substantially equal in high quality and are equitable. The following people, enterprises, and governmental entities will potentially be affected by the adoption of this rule

and the estimated costs and benefits with its implementation:

Agency of Education and its employees

School districts and their boards

Supervisory Unions/Supervisory districts and their boards

Superintendents

Curriculum coordinators working in public school districts

Special education directors and student services directors working in public school districts

Diversity equity and inclusion coordinators working in public school districts

Building-level administrators working in public schools

Public school educators and school staff

Students, parents/guardians of students, community members in general

Vermont Superintendents Association

VT School Boards Association

VT National Education Association

VT State Board of Education

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

Associated Costs

The Vermont State Board of Education anticipates that the net expense of the amended rule will be minimal.

The likely economic impact for Supervisory Unions/Supervisory Districts, school districts, and public schools and their staff will depend on the

extent to which their existing policies, practices, and resources are aligned with the revised rule. There will be places where curriculum and instruction, professional resources, learning environment, strategic planning and engagement processes, and reporting already largely comply with the amended rule. Elsewhere, boards, administrators, and staff may need to:

1. Engage in additional and ongoing professional development to encourage and support the instructional strategies required by the rule (Sections 2120.1 and 2121.3).
2. Revise existing and develop new curricular content to align with the rule's amended requirements (Section 2120.5)
3. Align and create new policies to promote research, coordination and professional learning that supports the rule's implementation (Section 2120.6)
4. Establish and make accessible an inclusive process for receiving feedback on the rule's implementation in a school (Section 2121.1)
5. Modify the learning environment to ensure equitable access to instructional materials (Section 2122.2)
6. Modify or adopt new data and information infrastructure to support reporting requirements (Section 2124.2)

The expense associated with these tasks will vary by locality and as such cannot be precisely estimated, in part or in total. Additionally, where local education agencies incur additional expense, some portion may be paid for by redirecting existing revenues or reprioritizing spending; not all efforts to comply with the rule will require new spending on the part of local education agencies.

Outside membership organizations may also incur an expense in their efforts to support local education agencies' efforts to comply with and implement the rule. For instance, these organizations may elect to develop guidance and technical assistance materials, offer trainings, and provide individualized technical assistance. The extent to which membership organizations may engage in these activities is unknown. The expense associated with providing additional services will be paid for by the organization's membership fees and other fee-for-service arrangements with local education agencies.

The Vermont Agency of Education is responsible for monitoring local education agencies' compliance with the rule. This is an existing responsibility, and the Agency indicated that it does not expect that will require additional resources to fulfill its responsibilities with an amended rule.

The Vermont State Board of education does not anticipate additional expense resulting from the proposed rule changes.

Associated Benefits

The amended rule reflects the intent and requirements of Act 1 (2019) to ensure all Vermont students have access to substantially equal and equitable educational opportunities, and will benefit Vermont students, families, and communities. The pecuniary value of these benefits cannot be precisely estimated, in part or in total.

5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

The State Board of Education drafted the amended rule series in response to Act 1 of 2019. As the Education

Quality Standards define the expectations for equitable educational experiences in Vermont public schools, these amendments are necessary to ensure alignment with the legislative intent of Act 1 and are the result of an intensive process that included active participation of a broad range of stakeholders.

6. IMPACT ON SMALL BUSINESSES:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

The State Board of Education does not anticipate that the proposed rule will impact small businesses.

7. SMALL BUSINESS COMPLIANCE: EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.

No such evaluation was necessary because the State Board of Education does not anticipate that the proposed rule will impact small businesses.

8. COMPARISON:

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

The amended rule includes standards that are currently required by statute and align with intention of Act 1. With minimal exceptions, any costs arising from compliance with the rule series would occur even if only for compliance with the existing Education Quality Standards.

9. SUFFICIENCY: DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.

The State Board of Education collected information on the potential economic impact of the rule through testimony (oral and written) provided to its EQS Committee and the full Board.

Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

Education Quality Standards (Rule Series 2000)

2. ADOPTING AGENCY:

State Board of Education

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*
No impact anticipated.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*
No impact anticipated.

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*
No impact anticipated.

6. RECREATION: *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*
No impact anticipated.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

No impact anticipated.

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

No impact anticipated.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

Because the proposed rule is solely concerned with the public education quality standards, and because all standards are based on existing statutory requirements or accepted best practices, the State Board of Education did not conduct a specific analysis of potential environmental impacts. The proposed rule impacts the curriculum and social environment of Vermont schools, with no potential impacts on the physical environment.

Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

Education Quality Standards (Rule Series 2000)

2. ADOPTING AGENCY:

State Board of Education

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The SBE's EQS Committee (comprised of co-chairs Kim Gleason and Tammy Kolbe, and members Patrick Brown, Tom Lovett, and Gabrielle Lucci) was charged with intaking recommendations received from the Act 1 Working Group and considering other changes to the EQS rules for the purpose of policy coherence and alignment. The Committee's considerations for potential revisions to the EQS were framed and constrained by existing statute, particularly Act 1 of 2019, 16 V.S.A. 165, and 16 V.S.A. 164(9).

The Committee carefully reviewed existing statutory requirements, the Act 1 Working Group's recommendations, technical recommendations proposed by the AOE, and recommendations from the field to draft revisions to the EQS that are implementable.

Public Input

The EQS Committee work began with review of those sections of the rule series that received the most substantial recommended changes from the Act 1 Working Group.

- Section 2114 Definitions reflected recommendation for revisions to existing terms and the addition of definitions for several new terms. Recognizing that a common understanding of the terms within the document is foundational to the ability to carry out the directives of the EQS rule series, the Committee took testimony throughout the summer of 2022 from many stakeholders, including those representing the Jewish Communities of Vermont. This stakeholder testimony informed the Committee revisions to the Section 2114 Definitions.

- Section 2120.1 Instructional Strategies and Section 2120.5 Curriculum Content.

The next several meetings invited testimony from practitioners in the field. The Committee asked the presenters to reflect on the recommended revisions and consider the following questions:

1. Are the rules clear as written?
2. Do they strike an appropriate balance between offering enough detail to be understood, and enough flexibility to ensure application in a local context?
3. Are these rules able to be operationalized in our schools?

The Committee invited practitioners from the field to testify and provide input on these questions. Universally, the Committee heard that the proposed changes are clear, strike an appropriate balance, and can be operationalized in our schools. Without exception, the representatives from the field that came before us welcomed these revisions to align with the values of their school districts and the needs of their students.

Public Input

The AOE offered technical suggestions and provided responses to clarifying questions throughout the process. The AOE also offered recommendations for alignment with the proposed Draft District Quality Standards/Quality Assurance Review (DQS/QAR) that will form Rule Series 100. The Act 1 Working Group was consulted and provided feedback on EQS Committee questions and considerations for edits throughout the process.

The EQS Committee consulted with an independent outside counsel and the document presented for consideration underwent a legal review for consistency with existing statute. The Committee held a public listening session on November 30, 2022, and heard from more than 30 participants. All were in support of the recommended changes to the EQS.

Additionally, the Committee heard from and considered recommendations from the Vermont School Boards Association, Vermont Superintendents Association, Vermont Principals Association, Vermont-National Education Association, Vermont Curriculum Leaders Association, Vermont Special Education Advisory Panel, Vermont Student Anti-Racism Network, and the Vermont Independent Schools Association (VISA).

All organizations expressed support for the values of equitable, anti-racist, culturally responsive, anti-discriminatory and inclusive educational opportunities for Vermont students, as articulated in the proposed revisions to the EQS. VISA supported the substance of the rule, but did not support extending application of the rule series to independent schools.

On April 10, 2023, the EQS Committee ratified the proposed updates to the rule series by a unanimous vote. The Committee agreed that the issue of whether to apply the EQS rule series to independent schools or whether instead to develop an alternative regulatory

Public Input

framework that would extend Act 1's principles and goals to approved independent schools was an issue to be discussed and resolved by the full State Board.

Subsequently, the State Board held two special meetings (April 13 and May 11 for a total of four hours) to review, consider and provide feedback to the proposed amendments to the Education Quality Standards. On May 17, the State Board voted unanimously to approve the amendments to the Education Quality Standards as presented herewith for submission to the APA rulemaking process.

Following pre-filing with ICAR, the State Board intends to hold public hearings as may be recommended by ICAR, on dates to be determined.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

Please see response to question 3.

Vermont State Board of Education Manual of Rules and Practices

Series 2000 – Education Quality Standards

Version: SBE Approved Draft, May 23, 2023 (clean text)

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2100 Statutory Authority: 16 V.S.A. §§ 164 and 165; 2019 Act No. 1

2110 Statement of Purpose

The purpose of these rules is to ensure that all Vermont students are afforded educational opportunities that are substantially equal in quality and are equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive, thus enabling each student to achieve or exceed the standards approved by the State Board of Education.

These rules are designed to ensure continuous improvement in student performance, instruction, and leadership to enable students to attain rigorous standards in high-quality programs, both in traditional school-based settings and in extended learning opportunities, with the latter including, but not necessarily limited to, virtual, work-based, co-curricular community-based and service-learning opportunities, community research and civic and community engagement projects, dual enrollment and early college, career technical education (CTE) and adult education and learning (AEL).

In addition to the non-discriminatory protections in Section 2113, these rules prohibit discrimination against any student pursuing an education or participating in the general life or activities of a school as a result of or based upon, ethnicity, caste, language and linguistic diversity, socio-economic status, religion, housing status, and non-citizenship or immigration status.

These rules further require all schools to strive for a culturally responsive pedagogy that critically examines and imparts a comprehensive historical and socially conscious understanding of:

- a) the causes and effects of bias and discrimination as a result of, or based upon, the reasons set forth in Section 2113 of this Manual and in this Statement of Purpose;
- b) why all persons should have equitable access to social and economic opportunity;
- c) why persons and institutions must identify and prevent individual, group, and systemic racism, discrimination, and all forms of unfair treatment; and
- d) the positive and multi-faceted contributions of different social, cultural, racial, linguistic ethnic and indigenous groups to the historical and ongoing project of building and strengthening democracy in the United States and globally.

Nothing herein shall be construed to entitle any student to educational programs or services identical to those received by other students in the same or different Supervisory Union/Supervisory District (SU/SD) or school. These rules are in addition to and, unless otherwise specifically stated, do not supersede other rules adopted by the Agency of Education

or contained in the Vermont State Board of Education Manual of Rules and Practices. This manual adopts a definition of Discrimination that is broader than its legal definition. Nothing herein shall create a private right of action.

2111 Adoption of Content Area Standards

Pursuant to 16 V.S.A. § 164(9), the State Board of Education will implement and periodically update standards for student learning in appropriate content areas from kindergarten to grade 12. SU/SD boards shall use the standards as the basis for the development and selection of curriculum, methods of instruction, locally developed assessments, and the content and skills taught and learned in school.

2112 Education Quality Standards

To carry out Vermont's policy that all Vermont students will be afforded educational opportunities that are substantially equal in quality, and to ensure continuous improvement in student performance, SU/SDs and schools to which this rule applies pursuant to 16 V.S.A. § 165 shall meet the following education quality standards and annually report to their communities in an understandable, inclusive, and comprehensive form as required in 16 V.S.A. § 165(a)(2).

2113 Federal and State Entitlements; Nondiscrimination

Each school or SU/SD shall ensure that students are furnished educational and other services in accordance with state and federal entitlements and requirements.

No student shall be 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, national origin, marital status, sexual orientation, gender identity or disability, or any other reason set forth in state or federal non-discrimination requirements.

Each SU/SD shall develop, and each school shall implement, a system of maintaining student records that aligns with Agency of Education statewide data collections; which enables accurate and timely reporting in connection with state and federal data collection requirements; and ensures the accuracy, relevancy and confidentiality thereof, and accessibility thereto; and which is in compliance with the federal Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g.

Student records shall be safely retained. For grades 9-12, the transcripts of graduates and

dropouts shall be permanently maintained and the academic records may be permanently maintained.

Each school shall adopt and implement policies consistent with the federal Protection of Pupil Rights Act, (20 U.S.C. § 1232h), regarding surveys, analyses, and evaluations.

2114 Definitions

The following definitions shall apply to these rules unless the context clearly requires otherwise:

1. "Academic record" may include standardized test scores, dates of attendance, alternate graduation plan, Individualized Education Plan (IEP), 504 Plan, Personalized Learning Plan (PLP), rank in class, awards, activities, clubs, and other information not included in a student's transcript, as locally determined. The "Academic Record" shall not include school records, documents, notes, or descriptions of a student's disciplinary history with school staff or other students. An academic record is not the same as a student's education record, as referenced in the federal Family Educational Rights and Privacy Act (FERPA).
2. "Anti-discrimination" means actions, behaviors, programs and policies by school staff, students, school boards, contractors, and community members involved in the daily operations of schools that are necessary to counter discrimination as defined in this Manual, and that promote a fair, just and equitable learning environment for all students.
3. "Anti-racist means actions, behaviors, programs, and policies designed and/or implemented by school staff, students, school boards, contractors, and community members involved in the daily operations of schools that are necessary to counter racism as defined in this Manual and that promote a racially inclusive learning environment for all students.
4. "Applied learning" means the presentation of subject matter in a way that integrates a particular academic discipline (such as mathematics, science, or English) with life experiences both in school and out of school and with personal workforce applications. Applications to life experiences should include the perspectives of ethnic, racial, linguistic, and social groups and neurodivergent cultures.
5. "Appropriately licensed educator" means any teacher or administrator requiring a license under 16 V.S.A. Chapter 51 and in accordance with the Rules Governing the Licensing of Educators and the Preparation of Educational Professionals.
6. "Career Technical Education" (CTE) means an educational program that supports attainment of a high school diploma, designed to provide students with technical knowledge, skills, and aptitudes to prepare them for further education, enhance their employment options or lead to

a postsecondary or industry-recognized credential, and strengthen their ability to work collaboratively in their chosen occupations or careers with all persons.

7. "Caste" refers to hierarchical social systems of exclusion and dehumanization based on invented notions of purity and contamination. Those who suffer the stigma of caste are often deprived of or severely restricted in the enjoyment of their civil, political, economic, social, and cultural rights.
8. "Civic and community engagement" means individual and/or collective actions that identify and address issues of public importance, and that provide people with opportunities that contribute to the current and future development of their communities and a democratic society. Civic and community engagement can take place in a variety of formal and informal settings, including, but not limited to, those in governance and electoral politics, educational, cultural, and recreational activities, community service and social justice movements.
9. "College and Career Readiness" means a student possesses the knowledge, learning strategies, and foundational skills to enter the workforce, to pursue postsecondary education or training, and to adapt successfully to employment and academic or training environments that are socially and culturally inclusive.
10. "Critical thinking" is the objective examination of an issue to discern or form a judgment based on evaluating evidence, checking assumptions, and adopting multiple perspectives to better understand the question at hand.
11. "Culturally and Linguistically Diverse Students" are those who are members of home, cultural and social environments whose experience and success is enhanced by schools demonstrating respect for a multitude of linguistic competencies and fostering systems of academic and social inclusion that acknowledge the fundamental importance of such competencies. Linguistic competencies are cultural and linguistic resources that students, families and communities draw upon, including, but not limited to, a variety of languages, including Indigenous languages, multiple-sign languages, and African American Vernacular English and other dialects.
12. "Culturally responsive teaching" is an evidence-based approach that incorporates knowledge of diverse cultures, languages, and perspectives into learning activities and curriculum design, including connecting students' life experiences and ways of learning, that helps students to both access rigorous curriculum and to develop higher-order thinking skills.
13. "Culture" means a set of distinctive spiritual, material, religious, intellectual, creative, and emotional attributes of a society or social group, and encompasses, in addition to art and literature, lifestyles, ways of living together, values, traditions, and beliefs.
14. "Discrimination" means any distinction, exclusion, classification, restriction or preference based on any ground, such as race, ethnicity, skin color, sex, sexual orientation, gender identification, language, religion, political or other opinion, disability, national, social or

geographic origin, citizenship or immigration status, income or property, birth or other status, which has the purpose or effect of denying or impairing the recognition, enjoyment or exercise of fundamental rights and freedoms in the political, economic, social, cultural, civil or any other field. Discrimination is practiced by individuals and groups, and it is expressed systemically through the structures, laws, practices, and policies of public and private institutions, employers, and organizations.

15. "Education support team" (EST) means a collaborative school-level team that determines the additional short-term supports a student may need to be successful, identifies student-specific performance goals, and tracks student progress towards those goals. Ideally, the EST includes an administrator, teachers, a school psychologist, special educator, school counselor(s), parents/families, a social worker, other staff with behavioral and/or academic expertise, and students when appropriate.
16. "Educational Technology" means the technological tools, media, and instructional practices that educators use to provide students with equitable access to the knowledge and skills needed to communicate, solve problems, and to access, manage, integrate, evaluate, and create information.
17. "Educator Mentoring" means the pairing of a mentor with an educator who is either new to the profession or new to the school to provide training, orientation, assistance, and support. Further, for the purposes of this rule, a "mentor" is an educator who has demonstrated high-quality instructional practice and who has been provided training in mentoring.
18. "Equity" or "Equitable" means that each student receives the resources and educational opportunities to learn and thrive in the classroom and in all aspects of learning, school life, career technical education, and community-school interactions, and to discover and cultivate their talents and interests. To be achieved, equity requires an inclusive school environment and may necessitate an unequal distribution of resources and services based on the needs of each student.
19. "Ethnic Group" means a group whose members identify with each other based on certain criteria, including a common history, ancestry or culture, religion, nationality, social or geographic origin, skin color, language, and experiences of discrimination and social exclusion, persecution, or other inhuman treatment.
20. "Ethnic Studies" means interdisciplinary, age appropriate and grade-appropriate curricula and programs dedicated to the historical and contemporary study of race, ethnicity, and indigenous peoples (including the Indigenous People of Vermont). This requires a critical examination of the experiences and perspectives of racial and ethnic groups and indigenous peoples that have suffered systemic oppression, marginalization, discrimination, persecution, and genocide within and outside the United States. "Ethnic Studies" may involve a critical examination of these experiences and perspectives through the lens of the characteristics of social identity groups.

21. "Ethnicity" means a concept that embodies a wide range of criteria used to identify ethnic groups, such as a common history, ancestry or culture, national, social or geographic origin, skin color, languages, religions, tribe or indigenous people (including the Indigenous Peoples of Vermont), or various combinations of these characteristics.
22. "Evidence-based" means practices and activities that are consistent with research on how students communicate, behave, learn, and thrive in ways that are developmentally and socially appropriate and have positive and lasting effects on their education and personal growth.
23. "Inclusive" or "Inclusion" means school-based curricula, programs, activities, resources, and policies that ensure that academic learning, co-curricular and social offerings, and all other aspects of school life are based on the values of equality, equity, social and cultural diversity, freedom and dignity, so that all students are valued as unique individuals and can achieve their full academic and social potential.
24. "Intercultural Competency" describes practices and actions to pursue deep understanding, mutual respect, and willingness to learn about the cultures of all people, especially those who have been marginalized, silenced, and/or undervalued.
25. "Interdisciplinary" means examining and teaching a subject from multiple academic perspectives and encouraging students to engage with and to synthesize diverse perspectives and narratives, including those from their lived experiences, into a coherent understanding or analysis.
26. "Language" means systems of conventional and unconventional spoken, visual-manual, technological, and written symbols, which human beings use personally and as members of social and cultural groups to express themselves; shape identity; acquire knowledge, mediate power, play, create, and imagine; build and sustain familial, social, and cultural bonds; and express a wide range of personal needs, aspirations, and emotions.
27. "Linguistic diversity" means the immense body of diverse and complex systems of communication and expression (e.g., official languages, endangered languages, indigenous and minoritized languages, dialects, and non-verbal languages and communication), the respect for and preservation of which is fundamental to students' experience and academic success; eradicating bias, racism, and discrimination; and fostering practices and systems of inclusion, equality, equity, and diversity in our schools and communities.
28. "Needs-based professional learning" means staff learning based upon needs identified through an examination of student performance and organizational and instructional data, and which is aligned with the school's Continuous Improvement Plan, curriculum, and pedagogical practices.
29. "Neurodiversity" refers to the natural and important variation in how human minds think and is not to be cured or corrected to fit social norms. These differences can include autism,

attention deficit hyperactivity disorder, dyspraxia, dyslexia, dyscalculia, and Tourette Syndrome.

30. "Personalized Learning Plan" means a plan developed on behalf of a student by the student, a representative of the school, and, if the student is a minor, the student's parents, or legal guardian(s), and updated at least annually. The plan shall be developmentally appropriate and consistent with a school's universally designed instruction. It shall also reflect the student's emerging abilities, aspirations, interests, and dispositions; linguistic resources and, to the extent desired and expressly requested by the student and the student's parents or legal guardian(s), the student's ethnic, cultural, or racial heritage and social group identity, and any experiences of discrimination or unfair treatment for the reasons set forth in Section 2113 and the Statement of Purpose of this Manual. Beginning no later than in the seventh grade, the plan shall define the scope and rigor of academic and experiential opportunities necessary for the student to successfully complete secondary school and attain college and career readiness.
31. "Proficiency-based learning" and "proficiency-based graduation" refers to clear, shared learning objectives, instruction, and common assessment tools for effective cycles of practice, feedback, assessment, and reflection with students, who are empowered by choice in their learning experiences and who are accorded multiple ways to demonstrate proficiency in knowledge and skills. In this system, "proficiencies" are SU/SD-wide learning objectives used by educators and students to drive instruction and assess growth in new learning.
32. "Proficiency-based graduation requirements" refer to the locally determined requirements all students must demonstrate significant evidence of learning to graduate.
33. "Race" means any invented or socially constructed concept that is used to categorize groups and cultures on the basis of physical differences transmitted through descent, like skin color.
34. "Racial discrimination" means any distinction, exclusion, restriction, or preference based on race, ethnicity, skin color, descent, or national origin, and which has the purpose or effect of denying or obstructing the recognition, benefit or exercise of fundamental rights and freedoms in the political, economic, social, cultural or any other field of public life.
35. "Racism" means the theory, belief, or act of making value judgements that are based on racial, ethnic, or cultural differences, or which advances the claim that racial, ethnic, or cultural groups are inherently superior or inferior, thus explicitly arguing or implying that some groups are entitled to dominate, exploit, exclude, or eliminate others presumed to be inferior. Racism is practiced by individuals and groups, and it is expressed systematically through the structures, laws, regulations, practices and policies of public and private institutions, employers, and organizations.

36. “Restorative Practices” refer to whole-school, relational approaches to building school climate and addressing student behavior that fosters belonging over exclusion, social engagement over control, and meaningful accountability over punishment. It encourages members of the school community to be constantly present, attending to needs as they arise. It exercises their ability to be dynamic rather than static in their responses. Restorative approaches also begin with proactive structures to build positive relationships and communication and create a space for people to express themselves—their strengths, assets, responsibilities, and also their vulnerability. Restorative processes and programs shall not remove from a SU/SD or lessen to any degree its mandatory responsibility under Vermont law and policy to investigate, call out, name, and discipline behaviors that violate the Vermont Agency of Education’s “Policy for the Prevention of Harassment, Hazing and Bullying” (HHB) and Federal Title IX.
37. “School” means an organizational structure designed to facilitate student learning. This could include an individual school or a combination of schools with one administration, inclusive of outdoor recreation areas, paths, and facilities, and could include learning opportunities both within and outside of school buildings and school day. It also includes career technical centers, as specified in 16 V.S.A. Chapter 37, and virtual learning experiences and opportunities that are offered by the school and/or SU/SD. Where the context suggests that a “school” take some action, the action shall be taken by the superintendent or such school officials as are designated by the superintendent, unless otherwise specified herein or elsewhere in law or regulation.
38. “Secretary” means the Secretary of Education or their designee.
39. “Social Identity Group” means a group of people who share common characteristics that shape their identify and promote a sense of unity, including sex, sexual orientation, gender identification, disability, class, socio-economic status, or other characteristics that are fundamental to identity.
40. "Superintendent" means the superintendent of schools or the person or persons assigned the duties of a superintendent pursuant to 16 V.S.A. § 242.
41. "Supervisory Union/Supervisory District (SU/SD)" means an administrative, planning, and educational service unit created by the State Board of Education pursuant to 16 V.S.A. Chapter 7.
42. “Technology Integration” means the infusion of technology into the curriculum as a tool to enhance learning in a content area or multidisciplinary setting, enabling students to select technology tools to help them obtain information in a timely manner, analyze and synthesize the information, and present it in culturally, linguistically, and age-appropriate ways.
43. "Transcript" means a formal document certifying and documenting a student's or former student's achievement of state standards and at minimum includes the student's name, date

of birth, last known address, years of attendance, courses taken, grades or proficiencies achieved, out-of-school learning opportunities if applicable, and diploma or certificate of completion awarded.

44. "Transferable skills" refers to lifelong learning skills including but not limited to, creativity, communication, collaboration, critical thinking, innovation, inquiry, problem-solving, the use of technology, and intercultural competency. Transferable skills are interdisciplinary skills that are vitally important for students' personal agency and contributions as members of a diverse and democratic society.
45. "Universally Designed Instruction" is an educational framework based on research in the learning sciences, including cognitive neuroscience, that guides the development of flexible learning activities and environments that can accommodate individual learning differences. This framework incorporates the principles and practices of "Universal Design for Learning," which teachers utilize to develop instructional strategies to meet the diverse needs of all learners, specifically, but not limited to: multiple means of representation to give learners various ways of acquiring information and knowledge, multiple means of expression to provide learners alternatives for demonstrating what they know, and multiple means of engagement to tap into learners' interests, challenge them appropriately, and motivate them to learn.

2120 Curriculum and Instruction

2120.1 *Instructional Strategies.*

Educators shall promote personalization and high expectations for each student so that each student successfully engages in the curriculum and meets graduation requirements. Classroom instruction shall include a range of evidence-based instructional strategies that most effectively improve student learning and engage all students, as identified by national and Vermont guidance and locally collected and analyzed student data.

Educators shall be supported in:

- a) examining their own identities and biases and fostering a learning environment that recognizes multiple ethnic, cultural and racial perspectives; presents and critiques historical counter-narratives; and encourages students to examine issues and expressions of social equity within and beyond the classroom or school;
- b) modeling and setting high expectations for all students - regardless of a student's prior academic experience, family background, socio-economic status or (dis)abilities and promoting respect for student differences;

- c) recognizing the essential role that language acquisition and literacy play in the lives of students, especially culturally and linguistically diverse students, not only in respect to listening, speaking, reading, and/or writing, but as home and community practices that shape a culturally responsive understanding of students' social, racial, linguistic, and ethnic identities, of their communities, and of their world;
- d) communicating in culturally and linguistically responsive ways;
- e) providing learning experiences that are designed for neurodiversity with multiple ways for students to access learning;
- f) using educational and assistive technology to reduce barriers to learning and heighten student engagement;
- g) cultivating student agency by providing multiple ways for students to engage with and demonstrate their new learning;
- h) emphasizing an inquiry-driven approach to all units of study and bringing real-world issues into the classroom;
- i) heightening the relevance and importance of learning objectives and providing mastery-oriented feedback;
- j) employing the use of data to adapt pedagogy to unique student needs and incorporate student feedback into instructional design and curricula;
- k) teaching students how to develop metacognitive and social emotional skills that improve their academic outcomes;
- l) designing learning experiences that improve students' wellbeing, including opportunities for physical movement in the classroom; and
- m) fostering a positive classroom culture using restorative practices where appropriate.

2120.2 *Flexible Pathways.*

Schools must provide students the opportunity to experience learning through flexible and multiple pathways, including but not limited to career technical education, virtual learning, work-based learning, service learning, internships, apprenticeships, community research, and civic and community engagement, dual enrollment, and early college. Learning must occur under the supervision of an appropriately licensed educator. Learning expectations must be aligned with state expectations and standards.

Students must be allowed to demonstrate proficiency by presenting multiple types of evidence,

including but not limited to teacher or student-designed assessments, portfolios, performances, exhibitions, and projects.

To develop and expand flexible pathways that are effective and equitable, school boards and school staff must:

- a) integrate understanding and respect for the diversity of cultural, racial, ethnic, linguistic, and social identities and experiences that shape and impact learners' lives and integrate that understanding into the SU/SD's planning and procedures related to flexible pathways;
- b) recognize and reduce social and economic barriers to accessing flexible pathways;
- c) recognize the lived experience of students who are neurodiverse and/or have disabilities;
- d) offer resources and learning opportunities that incorporate the civil and individual rights and importance of inclusion of people with disabilities in society.;
- e) communicate to students and parents/legal guardians on how they can learn about, access and benefit from flexible pathways through different means and in easy-to-understand language that is linguistically appropriate and culturally responsive, including in their home languages and in accessible formats;
- f) Monitor and report annually on general participation rates, continuous improvement metrics, the proportional representation of ethnically, racially, linguistically, and socially diverse student populations in the program, resource allocations and their effects on ensuring equitable access to the program, and any obstacles to student participation in whole or for particular groups of students; and
- g) Provide students with flexible pathways opportunities, consistent with 16 V.S.A. § 941, to have as part of their learning experiences quality interactions with teachers and other adults, who represent a range of cultural, ethnic, racial, linguistic, and social diversity.

2120.3. Career Technical Education.

Schools serving grades 9-12 shall coordinate with their designated career technical education center to ensure genuine access and support for all eligible students as required in 16 V.S.A. § 1541a. Any eligibility requirements for a given CTE program need to be equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive. Eligibility requirements shall be clear,

accessible, and communicated in languages that are accessible by students, parents/legal guardians, and staff. Schools shall ensure that students receive appropriate career counseling and program information regarding the availability of education and apprenticeship program offerings at career technical centers. Demonstrations of learning such as credits or grades earned in an approved career technical education course or program are subject to the requirements of 16 V.S.A. § 1545.

2120.4. *Personalized Learning Plans.*

As required in 16 V.S.A. § 941, schools shall ensure all students in grades seven through 12 shall have a Personalized Learning Plan, which shall be a written document developed by and for the student, with a representative of the school and, if the student is a minor, the student's parent or legal guardian. The Personalized Learning Plan shall describe the scope and rigor of learning opportunities and supports necessary for students to develop aspirations, achieve college and career readiness, attain a high school diploma, and participate confidently in the civic, cultural, and social life of their school system, community, state and nation. This plan must be reviewed at least annually.

2120.5. *Curriculum Content.*

Each SU/SD board shall ensure the written and delivered curriculum within their SU/SD is aligned with the standards approved by the State Board of Education. The curriculum shall be equitable, anti-racist, culturally responsive, anti-discriminatory, inclusive and accessible to families and community members.

Each school shall enable students to engage annually in rigorous, relevant, and comprehensive learning opportunities that allow them to demonstrate proficiency in:

- a) literacy (including critical thinking, language, reading, spelling, comprehension, speaking and listening, and writing); demonstrating proficiency in literacy includes the ability to engage with language to acquire, construct and communicate meaning, and to shape meaning to identity in aspects of daily living. All students need to receive systematic reading instruction in the early grades from a teacher who is skilled in teaching reading through a variety of evidence-based instructional strategies that take into account language knowledge and skills, as measured by effective assessments (e.g., screening, formative, summative, and diagnostic) and the linguistic background of each student. Some students may require intensive supplemental instruction tailored to the unique difficulties encountered, irrespective of special education eligibility;
- b) mathematical content and practices (including numbers, operations, and the concepts of algebra and geometry by the end of grade 10);

- c) scientific practices, cross-scientific inquiry and content knowledge (that includes the concepts of life sciences, physical sciences, earth and space sciences, and engineering and technology design);
- d) global citizenship (including the concepts of civics, economics, geography, world language, the arts and cultural studies, and history);
- e) physical education and health education as defined in 16 V.S.A. § 131. Schools shall:
 - i. Provide students in grades K-8 with at least two physical education classes per week and students in grades 9-12 with one and one-half years of physical education or the equivalent thereof.
 - ii. Offer options for students in grades K-12 to participate in at least 30 minutes of physical activity within or outside of the school day. Physical activity may include recess and movement built into the curriculum but does not replace physical education classes.
 - iii. Provide comprehensive elementary and secondary health and physical education learning experiences, including the effects of tobacco, alcohol, and drugs on the human system for all students in accordance with sections 16 V.S.A. § 131 and § 906(b)(3).
- f) artistic expression (including visual, media and performing arts);
- g) transferable skills (including communication, collaboration, creativity, innovation, inquiry, problem solving, critical thinking, and the use of technology); and
- h) ethnic and social equity studies.

Each public school shall ensure students are able to access academic and experiential learning opportunities that reflect their emerging abilities, and aspirations, as outlined in the students' Personalized Learning Plans.

Each school shall provide appropriate socially and culturally responsive learning opportunities to all students to support their attainment of the standards approved by the State Board of Education and shall provide support for students who require additional assistance ~~in order~~ to succeed or be challenged in the general education environment.

2120.6. Curriculum Coordination.

As required in 16 V.S.A. § 261a(a)(1), the board of each SU/SD shall ensure that each school implements the SU/SD's written and delivered curriculum, which shall be:

- a) aligned with the standards approved by the State Board of Education;
- b) coordinated across all grades to prepare students for graduation and life beyond;
- c) coordinated across the SU/SD, including sending high schools and technical centers;
- d) informed by ongoing review of new research, changing learning opportunities, and updates to the standards approved by the State Board of Education;
- e) designed to enable all students to achieve the graduation requirements; and
- f) integrated with technology across all disciplines.

Each school with a pre-kindergarten early education program must offer high-quality programs as outlined in State Board Rule 2600 and consistent with the charge of 2019 Act No. 1.

Each local school board shall ensure the alignment of existing school policies and create new policies as needed to accomplish the following:

- a) promote research, coordination and professional learning that leads to the development of age-appropriate and grade-appropriate programming and resources in Ethnic Studies that are integrated into all Curriculum Content areas in Section 2120.5 of this Manual and that are responsive to the developmental needs of all students, pre-kindergarten through grade 12; and
- b) create systems for regularly, systematically, and continuously evaluating a SU/SD's performance in attaining the above goals.

2120.7. Graduation Requirements.

A student meets the requirements for graduation when the student demonstrates evidence of proficiency in the curriculum content outlined in Section 2120.5, and completion of any other requirements specified by the local board of the school attended by the student.

For students eligible for special education services under IDEA or protected by Section 504 of the federal Rehabilitation Act, the student shall meet the same graduation requirements as non-disabled peers in an accommodated and/or modified manner. These modifications will be documented in each student's Personalized Learning Plan.

The student's Individual Education Program (IEP) team or 504 Team is responsible for assuring that information regarding the student's individual skills, aptitudes and present levels of performance are incorporated into the student's Personalized Learning Plan. This shall ensure that the proficiency levels to meet graduation requirements are linked to local graduation requirements, individually accommodated and/or modified for students with disabilities and written into the student's Personalized Learning Plan.

This process shall ensure that any student identified as a student with a disability will receive a regular high school diploma after meeting their individual graduation requirements as outlined in their Personalized Learning Plan. The development of an IEP does not supplant a Personalized Learning Plan, nor does a Personalized Learning Plan replace an IEP.

For English Learner (EL) students, SU/SDs must provide EL programs and accommodations that ensure EL students access to grade-level curricula so they can meet promotion and graduation requirements. These programs and accommodations must be documented in each student's Personalized Learning Plan.

2120.8. *Local Graduation Requirements.*

Each SU/SD board with responsibility for secondary level students is responsible for setting graduation requirements in accordance with these rules.

Local graduation policy must define proficiency-based graduation requirements based on standards adopted by the State Board of Education. As required in 16 V.S.A. § 261a(a)(1), it is the responsibility of the SU/SD board to ensure alignment in expectations for all students within an SU/SD.

Schools may or may not use credits for the purposes of demonstrating that a student has met the graduation requirements. When used, credits must specify the proficiencies demonstrated to attain a credit and shall not be based on time spent in learning. Further, students may receive credit for learning that takes place outside of the school, the school day, or the classroom. Any credits earned must occur under the supervision of an appropriately licensed educator.

2121 Professional Resources

2121.1. *Leadership.*

The roles and responsibilities of the SU/SD and school's leadership, including the school board, superintendent and principal or career technical center director shall conform to applicable provisions in 16 V.S.A. regarding authority and duties.

Each local school board shall ensure the alignment of existing school policies and create new policies as needed to ensure compliance with these Education Quality Standards. When undertaking this policy work, school boards and school leadership shall engage with the communities they serve and seek input and guidance through a process that includes the diverse voices and experiences of students, parents/legal guardians and other community members who are often underrepresented in this work and in school decision-making.

School boards and school leadership shall establish and make accessible an inclusive process for receiving feedback, to include:

- a) students, parents/legal guardians, and staff feedback regarding their experiences, especially as it bears on race or ethnic or social group identity at school.
- b) district responses to feedback, and
- c) procedures for handling complaints regarding compliance with school policies, practices and these Education Quality Standards

These documented complaints and responses shall be included in annual reporting to the AOE as required in Section 2126 of this rule.

All school leaders must have sufficient time to carry out their responsibilities to focus on improving student learning and on fostering an anti-racist, culturally responsive, anti-discriminatory, and inclusive learning environment. To accomplish that, the superintendent or their designee must:

- a) supervise a licensed principals and CTE directors who shall be responsible for the day-to-day leadership of their school or center;
- b) create a school leadership team consisting of administrators and teachers (and students as appropriate) with compensation either in time or financial reimbursement or a combination of both for all teachers;
- c) create professional learning groups for all teachers that meet during school time at least two hours per month and are facilitated by trained teachers;
- d) engage in professional development coursework and professional learning opportunities to understand and advance equity across the SU/SD;
- e) coordinate the principal's or CTE director's schedule, as applicable, to enable them to engage in student learning, such as:
 - i. teaching a course or hosting an advisory with students;
 - ii. mentoring a group of students in developing their Personalized Learning Plans;
 - iii. providing support for students through support services; or
 - iv. other methods of student engagement as approved by the superintendent.
- f) provide teacher support and evaluation aligned with the guidelines approved by the State Board of Education; and

g) minimize, as much as possible, supervision of non-teaching staff by the principal.

The principal shall be answerable to the superintendent in the performance of their duties.

Schools with 10 or more full-time equivalent teachers shall employ a full-time licensed principal. Schools with fewer than 10 FTE teachers shall employ a licensed principal on a pro-rata basis.

2121.2. Staff.

As required in 16 V.S.A. § 1692, all professional staff shall be licensed and appropriately endorsed for their assignment. All classroom staff, including educational support personnel, shall have had adequate academic preparation and training to teach or provide services in the area to which they are assigned.

Each school shall employ instructional and administrative staff members who possess the knowledge and skills to implement the standards in alignment with professional educator standards established by the Vermont Standards Board for Professional Educators.

Each SU/SD shall employ licensed special education staff and shall ensure each school employs sufficient and qualified staff as needed to identify students eligible for special education services and to implement each eligible student's Individual Education Program and Section 504 plan.

Classes in grades K-3, when taken together, shall average fewer than 20 students per teacher. In grades 4-12, when taken together, classes shall average fewer than 25 students per teacher. The total class roll of a teacher shall not exceed 100 students, except where the specific nature of the teacher's assignment (such as in certain art, music, or physical education programs) is plainly adaptable to the teaching of greater numbers of students while meeting the educational goals of the program.

School boards must establish optimum class size policies as consistent with statutory guidance from the Agency of Education. Class size must comply with state and federal safety requirements.

The services of a certified library media specialist shall be made available to students and staff. Schools with over 300 students shall have at least one full-time library media specialist and sufficient staff to implement a program that supports literacy, information, and technology standards. Schools with fewer than 300 students shall employ a library media specialist on a pro-rata basis.

2121.3. Needs Based Professional Learning.

Each SU/SD shall develop and implement a system of appropriate needs-based professional learning for all professional staff, including administrators and other staff involved in student instruction, as required in 16 V.S.A. § 261a(a)(5). This shall include ongoing resources and supports to create and strengthen an anti-racist, inclusive and culturally and linguistically responsive school experience for all students, and to cultivate the knowledge, skills and practices required to identify and remediate prohibited discrimination because of, or based upon, the reasons set forth in Section 2113 and in the Statement of Purpose of this Manual. Time for professional learning will be embedded into the agreed-upon scheduled times for school employees as defined by collective bargaining agreements where they exist.

The school's professional learning system shall be aligned with its staff evaluation and supervision policies, Continuous Improvement Plan, SU/SD goals and shall provide new staff members with appropriate opportunities for professional learning.

Educator mentoring shall be a component of each SU/SD's needs-based professional learning system. The superintendent or their designee shall determine the specifics of each mentoring program in their school(s) in accordance with the guidelines approved by the State Board of Education, Vermont Standards Board for Professional Educators, and state law addressing mentoring for educators.

2121.4. Staff Evaluation.

For the purposes of this section, "staff" includes administrators, educators, and other school employees working with students. Staff evaluation programs and policies shall be designed and implemented with the goal of improved student outcomes and learning experiences. Such programs and policies shall:

- a) be consistent with the provisions of state and federal law and the Vermont Guidelines of Teacher and Leader Effectiveness adopted by the State Board of Education;
- b) include multiple sources of evidence to inform and measure teacher performance;
- c) address the professional learning needs of all staff, including administrators;
- d) address the needs of teachers who are new to the profession, the assignment or the school; and
- e) provide supports to improve instructional practice, content knowledge, working relationships (with colleagues, parents/legal guardians and community members), and

other areas as appropriate to improve student outcomes and learning experiences.

2121.5. Tiered System of Support.

In accordance with 16 V.S.A. § 2902, each school shall ensure that a tiered system of academic and behavioral supports is in place to assist all students in working toward attainment of the standards. This system shall be aligned with the school's Personalized Learning process. Student Personalized Learning Plans should help inform the structures and services put in place to support individual student learning. Provision of specific student supports, including relevant accommodations, shall be detailed within a student's IEP or 504 plan as required by federal law. Tiered systems of support should also integrate elements of early multi-tiered systems of support (MTSS) as relevant, to ensure that comprehensive and integrated systems of support are in place for all preK-12 students within an SU/SD.

School counseling services shall support the mission and vision of the school and shall be available to all students K-12. The services shall address students' academic, career, personal and social development, offer support and resources that are respectful of the lived experiences and unique identities of students, and support students who either experience or witness instances of racism and discrimination. Such services shall be aligned and integrated with the work of other professionals in the school setting, as well as those in other educational and human services.

Staffing shall be filled by licensed school counselors and other student support personnel with sufficient staff to carry out the school counseling services, such as guidance counselors, Student Assistance Program counselors, home-school coordinators, multi-lingual learner coordinators and school-based clinicians. At the elementary level, there shall be no more than 300 students per school counselor and other student support personnel. Schools with fewer than 300 students shall employ a school counselor and other student support personnel on a pro-rata basis. At the secondary level, there shall be no more than 200 students per school counselor and other student support personnel.

Health services, including health appraisal and counseling, communicable disease control, mental health services, emergency and first aid care, and access to professional counseling, shall be made available in a confidential manner to students in each school. These health services shall be respectful of the lived experiences and unique identities of students, including gender identity and gender transition, and be delivered in accordance with the school district's written policies and procedures, which shall be developed in collaboration with parents and community health resources.

The Vermont Department of Health recommends that schools and SU/SDs implement the School Nurse Leader School Health Services Delivery Model, which is consistent with the principles of the national Coordinated School Health Model, to ensure appropriate access and coverage across their SU/SD.

Each school shall engage the services of a person licensed as a School Nurse or Associate School Nurse. There shall be no more than 500 students per school nurse. Schools with fewer than 500 students shall employ a nurse on a pro-rata basis.

The school shall comply with requirements of state law relative to vision and hearing screening, immunization, and child abuse reporting, and federal law relating to invasive physical examinations in accordance with the Protection of Pupil Rights Act, 20 U.S.C. § 1232h.

2121.6. Interagency Teams.

Schools shall participate in interagency teams as required by 33 V.S.A. § 4303 and any other requirement of law.

2122 Learning Environment

2122.1. School Facilities and the Learning Environment.

Each school shall maintain a safe, accessible, orderly, civil, flexible, and positive learning environment, which is equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive; free from hazing, harassment, and bullying; and based on sound instructional and classroom management practices and clear discipline and attendance policies that are consistently and effectively enforced.

The design and operation of the school facilities shall be in full compliance with all state and federal fire, health, and safety, chemical and architectural standards.

Each school's comprehensive plan for responding to student misbehavior, as required by 16 V.S.A. § 1161a(a), shall address student behavior, language, classroom attendance, clothing, and treatment of property, as well as consequences for violations of policy, and shall be clear and consistently enforced.

Each SU/SD shall observe due process requirements as set forth in Rule 4300 et seq.

2122.2. Access to Instructional Materials.

Each school shall:

- a) provide a learning environment with sufficient supplies and infrastructure to allow for learning;

- b) develop, maintain, and expand as needed a collection of accessible print, multi-media, alternate format (e.g., high-quality audio files, electronic braille, and other forms of E-texts), digital and technology resources, administered by a certified library media specialist;
- c) ensure that the curriculum is supported by necessary and accessible digital, multi-media, alternate format (e.g., high-quality audio files, electronic braille, and other E-text tools and resources), and print resources;
- d) ensure that students, teachers, administrators and paraprofessionals have access to an organized collection of digital, multi-media, alternate format (e.g., high-quality audio files, electronic braille, and other E-text tools and resources), and print materials sufficient and appropriate to support all students in meeting or exceeding the current state and national standards at no cost to the student;
- e) provide students access to the library on a regular basis to use materials for reading, research, and for instruction in the skills needed to select and use information effectively;
- f) provide access to and instruction on how to use a variety of up-to-date information, assistive and other technology to support student learning;
- g) provide broadband Internet service for students and educators to access educational resources;
- h) adopt and implement written policies on electronic resources, acceptable Internet usage, and procedures for handling complaints for both staff and students;
- i) support a schedule that provides opportunities for a library media specialist to collaborate with teachers as they integrate information research skills into their curriculum;
- j) ensure that students are afforded the opportunity to learn the skills to locate, evaluate, synthesize, and to present information and ideas within content areas using technology integration; and
- k) ensure English Language Learners receive appropriate assistance to which they are entitled by providing language interpreters, services, and technology to participate equitably in all instructional and co-curricular programs.

2123 State and Local Comprehensive Assessment System

2123.1. Participation in the State Comprehensive Assessment System.

Each school shall administer assessments of student performance using methods developed by the State Board of Education under 16 V.S.A. § 164(9). Students who are unable to participate in district or state assessments shall be given an alternate assessment in accordance with law. Each school shall account for 100 percent of its students regarding their participation in the state assessments.

2123.2. Development and Implementation of Local Comprehensive Assessment System.

Each SU/SD shall develop, and each school shall implement, a local comprehensive assessment system that:

- a) assesses the standards approved by the State Board of Education;
- b) employs a balance of assessment types, including but not limited to teacher-or student-designed assessments, portfolios, performances, exhibitions, projects, and surveys or other tools to measure the social-emotional health of students;
- c) includes both formative and summative assessments, including those that establish annual protocols and timelines for assessing the progress and needs of English Language Learners (ELL) beginning at the point of enrollment and continuing at designated intervals during the year as determined by the teachers and parents or legal guardians of ELL students or as mandated in law or policy;
- d) enables decisions to be made about student progression and graduation, including measuring proficiency-based learning, the social-emotional well-being of students, the existence and severity of opportunity and achievement gaps or deficiencies, and the state of progress on local, state and national directives intended to advance social and academic equity initiatives;
- e) informs the development of Personalized Learning Plans and student support;
- f) provides data that informs decisions regarding instruction, professional learning, and educational resources and curriculum; and
- g) reflects strategies and goals outlined in the district's Continuous Improvement Plan.

The performance criteria of the assessment system shall be clear and be communicated to teachers, administrators, students and their parents or legal guardians, and other community members in their home language(s), and in an accessible format. Students and parents shall be informed at least annually regarding progress toward achieving the standards. This communication includes accommodating linguistic diversity and providing information in students' home language(s) and in accessible formats.

Implementation and support by the Agency will be determined by the Secretary.

2124 Reporting of Results.

2124.1 Minimum Reporting Requirements

Each SU/SD shall report student and system performance results to the community at least annually in formats selected by the school board. SU/SDs shall at minimum report on indicators provided by the Vermont Agency of Education, those identified in 16 V.S.A. § 165(a), 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 describe student progress toward meeting academic standards;
- b) Graduation, dropout, retention and school attendance rates;
- c) Enrollment in and completion of flexible pathways, including career and 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 hazing, harassment 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.

2124.2 Requirements for Disaggregating Student-level Data

Student level indicators shall be disaggregated at least by school and according to student subgroups, including students identified:

- a. as economically disadvantaged;
- 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 (IEPs), separately and in total;
- d. with limited English proficiency, including immigrant children and youth; and
- e. as students who are publicly funded to attend an approved independent school.

Student subgroups should be defined consistent with federal and state statutes and regulations and Agency of Education policy. In no case shall a SU/SD reveal personally identifiable information about an individual student or violate the State's minimum group size for reporting.

The SU/SD's performance criteria shall be clear and be communicated to administrators, educators, and other building staff.

Each SU/SD shall establish a secure student data system that enables regular access for teachers and administrators. Teachers shall have access to academic performance data on individual students whom they teach and aggregate data on SU/SD and school performance results. SU/SD and school administrators shall have access to individual student data and on student and system performance results.

2125 Continuous Improvement Plan

Each SU/SD shall develop and implement a Continuous Improvement Plan as required by 16 V.S.A. § 165. The plan shall be designed to improve student learning and maintain a safe, orderly, civil learning environment that is equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive; and free from harassment, hazing and bullying. The Plan should serve as the overall strategic plan for the SU/SD, incorporating reporting, planning, and implementation requirements articulated by federal and state law and regulation and other local requirements.

The Plan shall be developed with the involvement of a culturally and socially diverse group of school board members, students, teachers, administrators, families, and other community members. If an SU/SD comprises more than one school building, a combined plan for some or all the buildings may be developed; however, the Plan should reflect the different needs of individual schools. 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 Vermont Agency of Education, including those identified in 16 V.S.A. § 165(a) and additional indicators determined locally, including but not limited to indicators reported pursuant to Section 2124 of this rule. The Plan shall report student level indicators aggregated for the SU/SD and disaggregated according to school and student subgroups as identified by Section 2124 of this rule. In no case shall a SU/SD reveal personally identifiable information about an individual student or violate the State's minimum group size for reporting.

The Plan shall also report on and consider findings from the SU/SD's self-evaluation 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 Vermont Agency of Education as appropriate or determined by law.

An SU/SD's school board shall approve the Plan annually.

2126 System for Determining Compliance with Education Quality Standards

2126.1 Filing of Continuous Improvement Plan.

Pursuant to 16 V.S.A. § 165(a)(1), each SU/SD is required to file a copy of its school or schools' Continuous Improvement Plan for the current school year, along with its responses to written public feedback and complaints, pursuant to Section 2121.1 of this rule.

This includes listing the indicators (both those required by the Vermont Agency of Education and additional indicators as desired for use by the school) used for reflection and creation of the school's Continuous Improvement Plan; a description of the accomplishments, progress and changes regarding goals and strategies from the previous year's Continuous Improvement Plan and 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 whether students in each Vermont public school are provided educational opportunities that are substantially equal in quality and that are equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive.

The review will be based on the requirements of this rule and consideration may include, but is not limited to:

- a. information contained in Continuous Improvement Plans submitted by SU/SDs on behalf of their schools, including data reported to AOE as required by Section 2124 of this rule;
- b. Other information necessary to meet state and federal accountability standards and requirements; and
- c. Written feedback and complaints that are submitted and SU/SD responses pursuant to Sections 2121.1 and 2126.1 of this rule and related to whether a school meets the Education Quality Standards.

If the Secretary determines that a school is not meeting the requirements of this rule or that the school is making insufficient progress in improving student performance pursuant to 16 V.S.A. § 164(9), the Agency shall describe in writing actions the SU/SD must take to ensure the school meets educational quality standards and provide technical assistance to the SU/SD and/or school. If the school fails to meet the standards set forth in this rule or make sufficient progress toward improving student performance pursuant to 16 V.S.A. § 164(9), the Secretary shall recommend to the State Board of Education one or more of the actions identified by 16 V.S.A. § 165(b)(1-5).

16 V.S.A. § 165(f) regulates the process for an independent school to be designated as meeting Education Quality Standards, as well as the provision of technical assistance if the State Board finds an independent school is not meeting the standards or is failing to make progress towards meeting the standards.

2127 Variance and Waiver

Upon written request of a school board, and after opportunity for hearing, the State Board of Education may approve an alternative method for meeting the requirements of these rules when:

- a) the alternative method is consistent with the intent of the rule;
- b) the variance permits the school board to carry out locally established objectives; and
- c) the granting of the variance does not contravene any state or federal law, any federal regulation, or any rule of any state agency other than the State Board of Education, unless

such rules themselves permit the granting of a waiver or variance.

Upon request of a school board, the Secretary may waive class and caseload size requirements where:

- a) necessary to carry out locally established objectives;
- b) student learning will not be adversely affected;
- c) classroom control will not be compromised; and
- d) it is otherwise in the best interests of student learning.

Unless exceptional circumstances are present, the Secretary shall respond to such requests within 10 days.

If any of these rules are in conflict with a provision in an existing collective bargaining agreement, the local board must provide an explanation to the Secretary to that effect, and if appropriate, a plan to address that conflict.

2128 Effective Date

Amendments to the Series 2000 Education Quality Standards Sections 2100 (Statutory Authority), 2110 (Statement of Purpose), 2111 (Adoption of Content Area Standards), and 2114 (Definitions) shall become effective 15 days after adoption is complete in accordance with 3 V.S.A. § 845(d). Amendments to all remaining Sections of the Education Quality Standards will take effect on July 1, 2025.

Implementation and support by the Agency will be determined by the Secretary.

HISTORY: STATUTORY AUTHORITY: 16 V.S.A. §§ 164 and 165; 2019 Act No. 1

EFFECTIVE DATE: September, 1984

AMENDED: March 17, 1987; March 20, 1990; January 2, 1991; June 5, 1991; August 5, 1994 Secretary of State Rule Log #94-59; August 15, 1995 Secretary of State Rule Log #94-60; May 9, 1997 Secretary of State Rule Log #97-14; January 6, 1999 Secretary of State Rule Log #98-82; September 1, 2000 Secretary of State Rule Log #00-47; January 25, 2006 Secretary of State Rule Log #06-002; August 24, 2006 Secretary of State Rule Log #06-023 [2120.8.7; 2194; 2195]; June 10, 2010 Secretary of State Rule Log #10-011 [2120.8.7; 2194; 2195]; April 15, 2014 Secretary of State Rule Log #14-009.

Vermont State Board of Education Manual of Rules and Practices

Series 2000 – Education Quality Standards

Version: SBE Approved Draft, May 23, 2023 (annotated text)

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~~The purpose of these rules is to ensure that all students in Vermont public schools are afforded educational opportunities that are substantially equal in quality, and enable them to achieve or exceed the standards approved by the State Board of Education.~~

2000 EDUCATION QUALITY STANDARDS

2100 Statutory Authority: 16 V.S.A. §§ 164 and 165; 2019 Act No. 1

2110 Statement of Purpose

The purpose of these rules is to ensure that all ~~students in Vermont public schools~~ students are afforded educational opportunities that are substantially equal in quality and are equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive, and enable them thus enabling each student to achieve or exceed the standards approved by the State Board of Education.

These rules are designed to ensure continuous improvement in student performance, instruction, and leadership to enable students to attain rigorous standards in high-quality programs, both in traditional school-based settings and in extended learning opportunities, with the latter including, but not necessarily limited to, virtual, work-based, co-curricular community-based and service-learning opportunities, community research and civic and community engagement projects, dual enrollment and early college, career technical education (CTE) and adult education and learning (AEL).

In addition to the non-discriminatory protections in Section 2113, these rules prohibit discrimination against any student pursuing an education or participating in the general life or activities of a school as a result of or based upon, ethnicity, caste, language and linguistic diversity, socio-economic status, religion, housing status, and non-citizenship or immigration status.

These rules further require all schools to strive for a culturally responsive pedagogy that critically examines and imparts a comprehensive historical and socially conscious understanding of:

- a) the causes and effects of bias and discrimination as a result of, or based upon, the reasons set forth in Section 2113 of this Manual and in this Statement of Purpose;
- b) why all persons should have equitable access to social and economic opportunity;
- c) why persons and institutions must identify and prevent individual, group, and systemic racism, discrimination, and all forms of unfair treatment; and

- d) the positive and multi-faceted contributions of different social, cultural, racial, linguistic ethnic and indigenous groups to the historical and ongoing project of building and strengthening democracy in the United States and globally.

Nothing herein shall be construed to entitle any student to educational programs or services identical to those received by other students in the same or different Supervisory Union/Supervisory District (SU/SD) or school districts. ~~Further, nothing herein shall create a private right of action.~~ These rules are in addition to and, unless otherwise specifically stated, do not supersede other rules adopted by the Agency of Education or contained in the Vermont State Board of Education Manual of Rules and Practices. This manual adopts a definition of Discrimination that is broader than its legal definition. Nothing herein shall create a private right of action.

2111 Adoption of Content Area Performance Standards

Pursuant to 16 V.S.A. § 164(9), the State Board of Education will implement and periodically update standards for student learning in appropriate content areas from kindergarten to grade 12. ~~Supervisory Union~~ SU/SD boards shall use the standards as the basis for the development and selection of curriculum, methods of instruction, locally developed assessments, and the content and skills taught and learned in school.

2112 Education Quality Standards

~~In order to~~ To carry out Vermont's policy that all ~~public school children~~ Vermont students will be afforded educational opportunities ~~which~~ that are substantially equal in quality, and ~~in order to~~ ensure continuous improvement in student performance, ~~each public school~~ SU/SDs and schools to which this rule applies pursuant to 16 V.S.A. § 165 shall meet the following education quality standards and annually report to ~~the community~~ their communities in an understandable, inclusive, and comprehensive form as required in 16 V.S.A. § 165(a)(2).

2113 Federal and State Entitlements; Nondiscrimination

Each school or ~~supervisory union~~ SU/SD shall ensure that students are furnished educational and other services in accordance with state and federal entitlements and requirements.

No student ~~in a public school or independent school~~ shall be 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, national origin, marital status, sexual orientation, gender identity or disability, or any other reason set forth in state or

federal non-discrimination requirements.

Each ~~supervisory union~~ SU/SD shall develop, and each school shall implement, a system of maintaining student records that aligns with Agency of Education statewide data collections; which enables accurate and timely reporting in connection with state and federal data collection requirements; and ensures the accuracy, relevancy and confidentiality thereof, and accessibility thereto; and which is in compliance with the federal Family Educational Rights and Privacy Act of 1974, (P.L. 95-380 as amended from time to time) 20 U.S.C. § 1232g.

Student records shall be safely retained. For grades 9-12, the transcripts of graduates and dropouts shall be permanently maintained and the academic records may be permanently maintained.

Each school shall adopt and implement policies consistent with the federal Protection of Pupil Rights Act, (20 U.S.C. § 1232h), regarding surveys, analyses, and evaluations.

2114 Definitions

The following definitions shall apply to these rules unless the context clearly requires otherwise:

1. "Academic record" may include standardized test scores, dates of attendance, alternate graduation plan, Individualized Education Plan (IEP), 504 Plan, Personalized Learning Plan (PLP), rank in class, awards, activities, clubs, and other information not included in a student's transcript, as locally determined. The "Academic Record" shall not include school records, documents, notes, or descriptions of a student's disciplinary history with school staff or other students. An academic record is not the same as a student's education record, as referenced in the federal Family Educational Rights and Privacy Act (FERPA).
2. "Anti-discrimination" means actions, behaviors, programs and policies by school staff, students, school boards, contractors, and community members involved in the daily operations of schools that are necessary to counter discrimination as defined in this Manual, and that promote a fair, just and equitable learning environment for all students.
3. "Anti-racist means actions, behaviors, programs, and policies designed and/or implemented by school staff, students, school boards, contractors, and community members involved in the daily operations of schools that are necessary to counter racism as defined in this Manual and that promote a racially inclusive learning environment for all students.
4. "Applied learning" means the presentation of subject matter in a way that integrates a particular academic discipline (such as mathematics, science, or English) with life experiences both in school and out of school and with personal workforce applications.

Applications to life experiences should include the perspectives of ethnic, racial, linguistic, and social groups and neurodivergent cultures.

5. "Appropriately licensed educator" means any teacher or administrator requiring a license under 16 V.S.A. Chapter 51 and in accordance with the Rules Governing the Licensing of Educators and the Preparation of Educational Professionals.
6. "Career ~~and~~ Technical Education" (CTE) means an educational program that supports attainment of a high school diploma, designed to provide students with technical knowledge, skills, and aptitudes to prepare them for further education, enhance their employment options or lead to a postsecondary or industry-recognized credential, and strengthen their ability to work collaboratively in their chosen occupations or careers with all persons.
7. "Caste" refers to hierarchical social systems of exclusion and dehumanization based on invented notions of purity and contamination. Those who suffer the stigma of caste are often deprived of or severely restricted in the enjoyment of their civil, political, economic, social, and cultural rights.
8. "Civic and community engagement" means individual and/or collective actions that identify and address issues of public importance, and that provide people with opportunities that contribute to the current and future development of their communities and a democratic society. Civic and community engagement can take place in a variety of formal and informal settings, including, but not limited to, those in governance and electoral politics, educational, cultural, and recreational activities, community service and social justice movements.
9. "College and Career Readiness" means ~~the student's ability to enter the workforce or pursue postsecondary education or training without the need for remediation. The student must possess the foundational skills and learning strategies necessary to begin studies in a career pathway in order to be considered college and career ready. a student possesses the~~ knowledge, learning strategies, and foundational skills to enter the workforce, to pursue postsecondary education or training, and to adapt successfully to employment and academic or training environments that are socially and culturally inclusive.
10. "Critical thinking" is the objective examination of an issue to discern or form a judgment based on evaluating evidence, checking assumptions, and adopting multiple perspectives to better understand the question at hand.
11. "Culturally and Linguistically Diverse Students" are those who are members of home, cultural and social environments whose experience and success is enhanced by schools demonstrating respect for a multitude of linguistic competencies and fostering systems of academic and social inclusion that acknowledge the fundamental importance of such competencies. Linguistic competencies are cultural and linguistic resources that students, families and communities draw upon, including, but not limited to, a variety of languages,

including Indigenous languages, multiple-sign languages, and African American Vernacular English and other dialects.

12. “Culturally responsive teaching” is an evidence-based approach that incorporates knowledge of diverse cultures, languages, and perspectives into learning activities and curriculum design, including connecting students' life experiences and ways of learning, that helps students to both access rigorous curriculum and to develop higher-order thinking skills.
13. “Culture” means a set of distinctive spiritual, material, religious, intellectual, creative, and emotional attributes of a society or social group, and encompasses, in addition to art and literature, lifestyles, ways of living together, values, traditions, and beliefs.
14. “Discrimination” means any distinction, exclusion, classification, restriction or preference based on any ground, such as race, ethnicity, skin color, sex, sexual orientation, gender identification, language, religion, political or other opinion, disability, national, social or geographic origin, citizenship or immigration status, income or property, birth or other status, which has the purpose or effect of denying or impairing the recognition, enjoyment or exercise of fundamental rights and freedoms in the political, economic, social, cultural, civil or any other field. Discrimination is practiced by individuals and groups, and it is expressed systemically through the structures, laws, practices, and policies of public and private institutions, employers, and organizations.
15. “Education support team” (EST) means a collaborative school-level team that determines the additional short-term supports a student may need to be successful, identifies student-specific performance goals, and tracks student progress towards those goals. Ideally, the EST includes an administrator, teachers, a school psychologist, special educator, school counselor(s), parents/families, a social worker, other staff with behavioral and/or academic expertise, and students when appropriate.
16. “Educational Technology” means ~~instruction and/or preparation in the appropriate use of current technology~~ the technological tools, media, and instructional practices that educators use to provide students with equitable access to the knowledge and skills needed to communicate, solve problems, and to access, manage, integrate, evaluate, and create information.
17. “Educator Mentoring” means the pairing of a mentor with an educator who is either new to the profession or new to the school to provide training, orientation, assistance, and support. Further, for the purposes of this rule, a “mentor” is an educator who has demonstrated high-quality instructional practice and who has been provided training in mentoring.
18. “Equity” or “Equitable” means that each student receives the resources and educational opportunities to learn and thrive in the classroom and in all aspects of learning, school life, career technical education, and community-school interactions, and to discover and cultivate their talents and interests. To be achieved, equity requires an inclusive school environment

and may necessitate an unequal distribution of resources and services based on the needs of each student.

19. “Ethnic Group” means a group whose members identify with each other based on certain criteria, including a common history, ancestry or culture, religion, nationality, social or geographic origin, skin color, language, and experiences of discrimination and social exclusion, persecution, or other inhuman treatment.
20. “Ethnic Studies” means interdisciplinary, age appropriate and grade-appropriate curricula and programs dedicated to the historical and contemporary study of race, ethnicity, and indigenous peoples (including the Indigenous People of Vermont). This requires a critical examination of the experiences and perspectives of racial and ethnic groups and indigenous peoples that have suffered systemic oppression, marginalization, discrimination, persecution, and genocide within and outside the United States. “Ethnic Studies” may involve a critical examination of these experiences and perspectives through the lens of the characteristics of social identity groups.
21. “Ethnicity” means a concept that embodies a wide range of criteria used to identify ethnic groups, such as a common history, ancestry or culture, national, social or geographic origin, skin color, languages, religions, tribe or indigenous people (including the Indigenous Peoples of Vermont), or various combinations of these characteristics.
22. “Evidence-based” means practices and activities that are consistent with research on how students communicate, behave, learn, and thrive in ways that are developmentally and socially appropriate and have positive and lasting effects on their education and personal growth.
23. “Inclusive” or “Inclusion” means school-based curricula, programs, activities, resources, and policies that ensure that academic learning, co-curricular and social offerings, and all other aspects of school life are based on the values of equality, equity, social and cultural diversity, freedom and dignity, so that all students are valued as unique individuals and can achieve their full academic and social potential.
24. “Intercultural Competency” describes practices and actions to pursue deep understanding, mutual respect, and willingness to learn about the cultures of all people, especially those who have been marginalized, silenced, and/or undervalued.
25. “Interdisciplinary” means examining and teaching a subject from multiple academic perspectives and encouraging students to engage with and to synthesize diverse perspectives and narratives, including those from their lived experiences, into a coherent understanding or analysis.
26. “Language” means systems of conventional and unconventional spoken, visual-manual, technological, and written symbols, which human beings use personally and as members of social and cultural groups to express themselves; shape identity; acquire knowledge, mediate

power, play, create, and imagine; build and sustain familial, social, and cultural bonds; and express a wide range of personal needs, aspirations, and emotions.

27. “Linguistic diversity” means the immense body of diverse and complex systems of communication and expression (e.g., official languages, endangered languages, indigenous and minoritized languages, dialects, and non-verbal languages and communication), the respect for and preservation of which is fundamental to students’ experience and academic success; eradicating bias, racism, and discrimination; and fostering practices and systems of inclusion, equality, equity, and diversity in our schools and communities.
28. “Needs-based professional learning” means staff learning based upon needs identified through an examination of student performance and organizational and instructional data, and which is aligned with the school’s Continuous Improvement Plan, curriculum, and pedagogical practices.
29. “Neurodiversity” refers to the natural and important variation in how human minds think and is not to be cured or corrected to fit social norms. These differences can include autism, attention deficit hyperactivity disorder, dyspraxia, dyslexia, dyscalculia, and Tourette Syndrome.
30. “Personalized Learning Plan” means a plan developed on behalf of a student by the student, a representative of the school, and, if the student is a minor, the student’s parents, or legal guardian(s), and updated at least annually. The plan shall be developmentally appropriate and consistent with a school’s universally designed instruction. It shall also reflect the student’s emerging abilities, aspirations, interests, and dispositions; linguistic resources and, to the extent desired and expressly requested by the student and the student’s parents or legal guardian(s), the student’s ethnic, cultural, or racial heritage and social group identity, and any experiences of discrimination or unfair treatment for the reasons set forth in Section 2113 and the Statement of Purpose of this Manual. Beginning no later than in the seventh grade, the plan shall define the scope and rigor of academic and experiential opportunities necessary for the student to successfully complete secondary school and attain college and career readiness.
31. “Proficiency-based learning” and “proficiency-based graduation” refers to systems of instruction, assessment, grading and academic reporting that are based on students—demonstrating mastery of the knowledge and skills they are expel to learn before they progress to the next less, get promoted to the next grade level, or receive a diploma. ~~clear, shared learning objectives, instruction, and common assessment tools for effective cycles of practice, feedback, assessment, and reflection with students, who are empowered by choice in their learning experiences and who are accorded multiple ways to demonstrate proficiency in knowledge and skills. In this system, “proficiencies” are SU/SD-wide learning objectives used by educators and students to drive instruction and assess growth in new learning.~~

32. "Proficiency-based graduation requirements" refer to the locally determined requirements all students must demonstrate significant evidence of learning to graduate.
33. "Race" means any invented or socially constructed concept that is used to categorize groups and cultures on the basis of physical differences transmitted through descent, like skin color.
34. "Racial discrimination" means any distinction, exclusion, restriction, or preference based on race, ethnicity, skin color, descent, or national origin, and which has the purpose or effect of denying or obstructing the recognition, benefit or exercise of fundamental rights and freedoms in the political, economic, social, cultural or any other field of public life.
35. "Racism" means the theory, belief, or act of making value judgements that are based on racial, ethnic, or cultural differences, or which advances the claim that racial, ethnic, or cultural groups are inherently superior or inferior, thus explicitly arguing or implying that some groups are entitled to dominate, exploit, exclude, or eliminate others presumed to be inferior. Racism is practiced by individuals and groups, and it is expressed systematically through the structures, laws, regulations, practices and policies of public and private institutions, employers, and organizations.
36. "Restorative Practices" refer to whole-school, relational approaches to building school climate and addressing student behavior that fosters belonging over exclusion, social engagement over control, and meaningful accountability over punishment. It encourages members of the school community to be constantly present, attending to needs as they arise. It exercises their ability to be dynamic rather than static in their responses. Restorative approaches also begin with proactive structures to build positive relationships and communication and create a space for people to express themselves—their strengths, assets, responsibilities, and also their vulnerability. Restorative processes and programs shall not remove from a SU/SD or lessen to any degree its mandatory responsibility under Vermont law and policy to investigate, call out, name, and discipline behaviors that violate the Vermont Agency of Education's "Policy for the Prevention of Harassment, Hazing and Bullying" (HHB) and Federal Title IX.
37. "School" means an organizational structure designed to facilitate student learning. This could include an individual school or a combination of public schools buildings with one administration, either of which inclusive of outdoor recreation areas, paths, and facilities, and could include learning opportunities both within and outside of school buildings and school day. It also includes career technical centers, as specified in 16 V.S.A. Chapter 37, and virtual learning experiences and opportunities that are offered by the school and/or SU/SD. Where the context suggests that a "school" take some action, the action shall be taken by the superintendent or such school officials as are designated by the superintendent, unless otherwise specified herein or elsewhere in law or regulation. School includes a technical center.
38. "Secretary" means the Secretary of Education or his or her their designee.

39. “Social Identity Group” means a group of people who share common characteristics that shape their identify and promote a sense of unity, including sex, sexual orientation, gender identification, disability, class, socio-economic status, or other characteristics that are fundamental to identity.
40. "Superintendent" means the superintendent of schools or the person or persons assigned the duties of a superintendent pursuant to 16 V.S.A. § 242.
41. "Supervisory Union/Supervisory District (SU/SD)" means an administrative, planning, and educational service unit created by the State Board of Education pursuant to 16 V.S.A. Chapter 7. ~~which consists of two or more school districts, including a supervisory district. For purposes of these rules, supervisory union also means a supervisory district which consists of only one school district, which may be a unified union district.~~
42. “Technology Integration” means the infusion of technology into the curriculum as a tool to enhance learning in a content area or multidisciplinary setting, enabling students to select technology tools to help them obtain information in a timely manner, analyze and synthesize the information, and present it ~~professionally~~ in culturally, linguistically, and age-appropriate ways.
43. "Transcript" means a formal document certifying and documenting a student's or former student's achievement of state standards and at minimum includes the student's name, date of birth, last known address, years of attendance, courses taken, grades or proficiencies achieved, out-of-school learning opportunities if applicable, and diploma or certificate of completion awarded.
44. "Transferable skills" refers to ~~a broad set of knowledge~~ lifelong learning skills including but not limited to, creativity, communication, collaboration, critical thinking, innovation, inquiry, problem-solving, the use of technology, and intercultural competency. Transferable skills are interdisciplinary skills that are vitally important for students’ personal agency and contributions as members of a diverse and democratic society, work habits, and character traits that are believed to be critically important to success in today's world, particularly in collegiate programs and modern careers.
45. “Universally Designed Instruction” is an educational framework based on research in the learning sciences, including cognitive neuroscience, that guides the development of flexible learning activities and environments that can accommodate individual learning differences. This framework incorporates the principles and practices of “Universal Design for Learning,” which teachers utilize to develop instructional strategies to meet the diverse needs of all learners, specifically, but not limited to: multiple means of representation to give learners various ways of acquiring information and knowledge, multiple means of expression to provide learners alternatives for demonstrating what they know, and multiple means of engagement to tap into learners' interests, challenge them appropriately, and motivate them to learn.

2120 Curriculum and Instruction

2120.1 *Instructional ~~Practices~~ Strategies.*

Educators ~~Instructional practices~~ shall promote personalization and high expectations for each student and enable so that each student successfully engages in the curriculum and meets graduation requirements. Classroom instruction shall include a range of ~~research~~ evidence-based instructional practices strategies that most effectively improve student learning and engage all students, as identified by national and Vermont guidance and locally collected and analyzed student data.

Educators shall be supported in:

- a) examining their own identities and biases and fostering a learning environment that recognizes multiple ethnic, cultural and racial perspectives; presents and critiques historical counter-narratives; and encourages students to examine issues and expressions of social equity within and beyond the classroom or school;
- b) modeling and setting high expectations for all students - regardless of a student's prior academic experience, family background, socio-economic status or (dis)abilities and promoting respect for student differences;
- c) recognizing the essential role that language acquisition and literacy play in the lives of students, especially culturally and linguistically diverse students, not only in respect to listening, speaking, reading, and/or writing, but as home and community practices that shape a culturally responsive understanding of students' social, racial, linguistic, and ethnic identities, of their communities, and of their world;
- d) communicating in culturally and linguistically responsive ways;
- e) providing learning experiences that are designed for neurodiversity with multiple ways for students to access learning;
- f) using educational and assistive technology to reduce barriers to learning and heighten student engagement;
- g) cultivating student agency by providing multiple ways for students to engage with and demonstrate their new learning;
- h) emphasizing an inquiry-driven approach to all units of study, and bringing real-world issues into the classroom;
- i) heightening the relevance and importance of learning objectives and providing

mastery-oriented feedback;

- j) employing the use of data to adapt pedagogy to unique student needs and incorporate student feedback into instructional design and curricula;
- k) teaching students how to develop metacognitive and social emotional skills that improve their academic outcomes;
- l) designing learning experiences that improve students' wellbeing, including opportunities for physical movement in the classroom; and
- m) fostering a positive classroom culture using restorative practices where appropriate.

2120.2 Flexible Pathways.

Schools must provide students the opportunity to experience learning through flexible and multiple pathways, including but not limited to career technical education, virtual learning, work-based learning, service learning, internships, apprenticeships, community research, and civic and community engagement, dual enrollment, and early college. Learning must occur under the supervision of an appropriately licensed educator. Learning expectations must be aligned with state expectations and standards.

Students must be allowed to demonstrate proficiency by presenting multiple types of evidence, including but not limited to teacher or student-designed assessments, portfolios, performances, exhibitions, and projects.

To develop and expand flexible pathways that are effective and equitable, school boards and school staff must:

- a) integrate understanding and respect for the diversity of cultural, racial, ethnic, linguistic, and social identities and experiences that shape and impact learners' lives and integrate that understanding into the SU/SD's planning and procedures related to flexible pathways;
- b) recognize and reduce social and economic barriers to accessing flexible pathways;
- c) recognize the lived experience of students who are neurodiverse and/or have disabilities;
- d) offer resources and learning opportunities that incorporate the civil and individual rights and importance of inclusion of people with disabilities in society.;

- e) communicate to students and parents/legal guardians on how they can learn about, access and benefit from flexible pathways through different means and in easy-to-understand language that is linguistically appropriate and culturally responsive, including in their home languages and in accessible formats;
- f) Monitor and report annually on general participation rates, continuous improvement metrics, the proportional representation of ethnically, racially, linguistically, and socially diverse student populations in the program, resource allocations and their effects on ensuring equitable access to the program, and any obstacles to student participation in whole or for particular groups of students; and
- g) Provide students with flexible pathways opportunities, consistent with 16 V.S.A. § 941, to have as part of their learning experiences quality interactions with teachers and other adults, who represent a range of cultural, ethnic, racial, linguistic, and social diversity.

2120.3. Career Technical Education.

Schools serving grades 9-12 shall coordinate with their designated career technical education center to ensure genuine access and support for all eligible students as required in 16 V.S.A. § 1541a. Any eligibility requirements for a given CTE program need to be equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive. Eligibility requirements shall be clear, accessible, and communicated in languages that are accessible by students, parents/legal guardians, and staff. Schools shall ensure that students receive appropriate career counseling and program information regarding the availability of education and apprenticeship program offerings at career technical centers. Demonstrations of learning such as credits or grades earned in an approved career technical education course or program are subject to the requirements of 16 V.S.A. § 1545.

2120.4. Personalized Learning Plans.

As required in 16 V.S.A. § 941, schools shall ensure all students in grades seven through 12 shall have a Personalized Learning Plan, which shall be a written document developed by and for the student, with a representative of the school and, if the student is a minor, the student's parent or legal guardian. The Personalized Learning Plan shall describe the scope and rigor of learning opportunities and supports services necessary for the students to develop aspirations, achieve college and career readiness, prior to graduation, and to attain a high school diploma, and participate confidently in the civic, cultural, and social life of their school system, community, state and nation. This plan must be reviewed at least annually.

~~This section is effective in accordance with the rolling implementation dates established in Section 14 of Act 77 of 2013, as may be amended.~~

2120.5. Curriculum Content.

Each ~~supervisory union~~ SU/SD board shall ensure the written and delivered curriculum within their ~~supervisory union~~ SU/SD is aligned with the standards approved by the State Board of Education. The curriculum shall be equitable, anti-racist, culturally responsive, anti-discriminatory, inclusive and accessible to families and community members.

Each school shall enable students to engage annually in rigorous, relevant, and comprehensive learning opportunities that allow them to demonstrate proficiency in:

- a) literacy (including critical thinking, language, reading, spelling, comprehension, speaking and listening, and writing); demonstrating proficiency in literacy includes the ability to engage with language to acquire, construct and communicate meaning, and to shape meaning to identity in aspects of daily living. All students need to receive systematic reading instruction in the early grades from a teacher who is skilled in teaching reading through a variety of evidence-based instructional strategies that take into account language knowledge and skills, as measured by effective assessments (e.g., screening, formative, summative, and diagnostic) and the linguistic background of each student. Some students may require intensive supplemental instruction tailored to the unique difficulties encountered, irrespective of special education eligibility;
- b) mathematical content and practices (including numbers, operations, and the concepts of algebra and geometry by the end of grade 10);
- c) scientific practices, cross-scientific inquiry and content knowledge (~~including that~~ includes the concepts of life sciences, physical sciences, earth and space sciences, and engineering and technology design);
- d) global citizenship (including the concepts of civics, economics, geography, world language,the arts and cultural studies, and history);
- e) physical education and health education as defined in 16 V.S.A. § 131. Schools shall:
 - i. Provide students in grades K-8 with at least two physical education classes per week and students in grades 9-12 with one and one-half years of physical education or the equivalent thereof.
 - ii. Offer options for students in grades K-12 to participate in at least 30 minutes of physical activity within or outside of the school day. Physical activity may include recess and movement built into the curriculum but does not replace physical

education classes.

iii. Provide comprehensive elementary and secondary health and physical education learning experiences, including the effects of tobacco, alcohol, and drugs on the human system for all students in accordance with sections 16 V.S.A. § 131 and § 906(b)(3).

- f) artistic expression (including visual, media and performing arts);
- g) transferable skills (including communication, collaboration, creativity, innovation, inquiry, problem solving, critical thinking, and the use of technology); and
- h) ethnic and social equity studies.

~~Each school shall provide students in grade K-8 with at least two physical education classes per week and students in grades 9-12 with one and one-half years of physical education or the equivalent thereof.~~

~~Each school shall offer options for students in grades K-12 to participate in at least 30 minutes of physical activity within or outside of the school day. Physical activity may include recess and movement built into the curriculum but does not replace physical education classes.~~

Each public school shall ensure students are able to access academic and experiential learning opportunities that reflect their emerging abilities, and aspirations, as outlined in the students' Personalized Learning Plans..

Each school shall provide appropriate socially and culturally responsive learning opportunities to all students to support their attainment of the standards approved by the State Board of Education ~~and As required by 16 V.S.A. § 2902, each public school shall provide support for students who require additional assistance in order to succeed or be challenged in the general education environment.~~

~~Each school shall provide comprehensive elementary and secondary health and physical education learning experiences including the effects of tobacco, alcohol and drugs on the human system for all students in accordance with sections 16 V.S.A. 131 and 906(b)(3).~~

~~Each school shall ensure students are able to access academic and experiential learning opportunities that reflect their emerging abilities, interests and aspirations, as outlined in the students' Personalized Learning Plans.~~

2120.6. Curriculum Coordination.

As required in 16 V.S.A. § 261a(a)(1), the board of each ~~supervisory union~~ SU/SD shall ensure that each school implements the ~~supervisory union's~~ SU/SD's written and delivered curriculum, which shall be:

- a) aligned with the standards approved by the State Board of Education;
- b) coordinated across all grades to prepare students for graduation and life beyond;
- c) coordinated across the ~~supervisory union~~ SU/SD, including sending high schools and technical centers;
- d) informed by ongoing review of new research, changing learning opportunities, and updates to the standards approved by the State Board of Education;
- e) designed to enable all students to achieve the graduation requirements; and
- f) integrated with technology across all disciplines.

Each school with a pre-kindergarten early education program must offer high-quality programs as outlined in State Board Rule 2600 and consistent with the charge of 2019 Act No. 1.

Each local school board shall ensure the alignment of existing school policies and create new policies as needed to accomplish the following:

- a) promote research, coordination and professional learning that leads to the development of age-appropriate and grade-appropriate programming and resources in Ethnic Studies that are integrated into all Curriculum Content areas in Section 2120.5 of this Manual and that are responsive to the developmental needs of all students, pre-kindergarten through grade 12; and
- b) create systems for regularly, systematically, and continuously evaluating a SU/SD's performance in attaining the above goals.

2120.7. Graduation Requirements.

A student meets the requirements for graduation when the student demonstrates evidence of proficiency in the curriculum content outlined in Section 2120.5; and completion of any other requirements specified by the local board of the school attended by the student.

~~This requirement is effective no later than September 2014 for students entering seventh grade and through their secondary school progression, for the anticipated graduation date of June 2020, and with each subsequent incoming seventh grade class.~~

For students eligible for special education services under IDEA or protected by Section 504 of the federal Rehabilitation Act, the student shall meet the same graduation requirements as non-disabled peers in an accommodated and/or modified manner. These modifications will be

documented in each student's Personalized Learning Plan.

The student's Individual Education Program (IEP) team or 504 Team is responsible for assuring that information regarding the student's individual skills, aptitudes and present levels of performance are incorporated into the student's Personalized Learning Plan. This shall ensure that the proficiency levels to meet graduation requirements are linked to local graduation requirements, individually accommodated and/or modified for students with disabilities and written into the student's Personalized Learning Plan.

This process shall ensure that any student identified as a student with a disability will receive a regular high school diploma after meeting ~~his/her~~ their individual graduation requirements as outlined in their Personalized Learning Plan. The development of an IEP does not supplant a Personalized Learning Plan, nor does a Personalized Learning Plan replace an IEP.

For English Learner (EL) students, SU/SDs must provide EL programs and accommodations that ensure EL students access to grade-level curricula so they can meet promotion and graduation requirements. These programs and accommodations must be documented in each student's Personalized Learning Plan.

2120.8. Local Graduation Requirements.

Each ~~secondary school-~~ SU/SD board with responsibility for secondary level students is responsible for setting graduation requirements in accordance with these rules.

Local graduation policy must define proficiency-based graduation requirements based on standards adopted by the State Board of Education. As required in 16 V.S.A. § 261a(a)(1), it is the responsibility of the ~~supervisory union~~ SU/SD board to ensure alignment in expectations for all students within an ~~supervisory union~~ SU/SD.

Schools may or may not use credits for the purposes of demonstrating that a student has met the graduation requirements. When used, credits must specify the proficiencies demonstrated to attain a credit and shall not be based on time spent in learning. Further, students may receive credit for learning that takes place outside of the school, the school day, or the classroom. Any credits earned must occur under the supervision of an appropriately licensed educator.

2121 Professional Resources

2121.1. ~~School-~~Leadership.

The roles and responsibilities of the SU/SD and school's leadership, including the school board, superintendent and principal or career technical center director shall conform to applicable

provisions in 16 V.S.A. regarding authority and duties.

Each local school board shall ensure the alignment of existing school policies and create new policies as needed to ensure compliance with these Education Quality Standards. When undertaking this policy work, school boards and school leadership shall engage with the communities they serve and seek input and guidance through a process that includes the diverse voices and experiences of students, parents/legal guardians and other community members who are often underrepresented in this work and in school decision-making.

School boards and school leadership shall establish and make accessible an inclusive process for receiving feedback, to include:

- a) students, parents/legal guardians, and staff feedback regarding their experiences, especially as it bears on race or ethnic or social group identity at school.
- b) district responses to feedback, and
- c) procedures for handling complaints regarding compliance with school policies, practices and these Education Quality Standards

These documented complaints and responses shall be included in annual reporting to the AOE as required in Section 2126 of this rule.

All school leaders must have sufficient time to carry out their responsibilities to focus on improving student learning and on fostering an anti-racist, culturally responsive, anti-discriminatory, and inclusive learning environment. To accomplish that, the superintendent or ~~his or her~~ their designee must:

- a) supervise a licensed principals and CTE directors who shall be responsible for the day-to-day leadership of their school or center;
- b) create a school leadership team consisting of administrators and teachers (and students as appropriate) with compensation either in time or financial reimbursement or a combination of both for all teachers;
- c) create professional learning groups for all teachers that meet during school time at least two hours per month and are facilitated by trained teachers;
- d) engage in professional development coursework and professional learning opportunities to understand and advance equity across the SU/SD;
- e) coordinate the principal's or CTE director's schedule, as applicable, to enable ~~him/her~~ them to engage in student learning, such as:
 - i. teaching a course or hosting an advisory with students;

- ii. mentoring a group of students in developing their Personalized Learning Plans;
 - iii. providing support for students through support services; or
 - iv. other methods of student engagement as approved by the superintendent.
- f) provide teacher support and evaluation aligned with the guidelines approved by the State Board of Education; and
- g) minimize, as much as possible, supervision of non-teaching staff by the principal.

The principal shall be answerable to the superintendent in the performance of ~~his or her~~ their duties.

Schools with 10 or more full-time equivalent teachers shall employ a full-time licensed principal. Schools with fewer than 10 FTE teachers shall employ a licensed principal on a pro-rata basis.

2121.2. Staff.

As required in 16 V.S.A. § 1692, all professional staff shall be licensed and appropriately endorsed for their assignment. All classroom staff, including educational support personnel, shall have had adequate academic preparation and training to teach or provide services in the area to which they are assigned.

Each school shall employ instructional and administrative staff members who possess the knowledge and skills to implement the standards in alignment with professional educator standards established by the Vermont Standards Board for Professional Educators.

Each ~~supervisory union~~ SU/SD shall employ licensed special education staff and shall ensure each school employs sufficient and qualified staff as needed to identify students eligible for special education services and to implement each eligible student's Individual Education Program and Section 504 plan.

Classes in grades K-3, when taken together, shall average fewer than 20 students per teacher. In grades 4-12, when taken together, classes shall average fewer than 25 students per teacher. The total class roll of a teacher shall not exceed 100 students, except where the specific nature of the teacher's assignment (such as in certain art, music, or physical education programs) is plainly adaptable to the teaching of greater numbers of students while meeting the educational goals of the program.

School boards must establish optimum class size policies as consistent with statutory guidance from the Agency of Education. Class size must comply with state and federal safety

requirements.

The services of a certified library media specialist shall be made available to students and staff. Schools with over 300 students shall have at least one full-time library media specialist and sufficient staff to implement a program that supports literacy, information, and technology standards. Schools with fewer than 300 students shall employ a library media specialist on a pro-rata basis.

2121.3. Needs Based Professional Learning.

Each ~~supervisory union~~ SU/SD shall develop and implement a system of appropriate needs-based professional learning for all professional staff, including administrators and other staff involved in student instruction, as required in 16 V.S.A. § 261a(a)(5). This shall include ongoing resources and supports to create and strengthen an anti-racist, inclusive and culturally and linguistically responsive school experience for all students, and to cultivate the knowledge, skills and practices required to identify and remediate prohibited discrimination because of, or based upon, the reasons set forth in Section 2113 and in the Statement of Purpose of this Manual. Time for professional learning should will be embedded into the school-day agreed-upon scheduled times for school employees as defined by collective bargaining agreements where they exist.

The school's professional learning system shall be aligned with its staff evaluation and supervision policies, Continuous Improvement Plan, ~~supervisory union and district~~ SU/SD goals and shall provide new staff members with appropriate opportunities for professional learning.

Educator Mentoring shall be a component of each ~~supervisory union's~~ SU/SD's needs-based professional learning system. The superintendent or their designee shall determine the specifics of each mentoring program in their school(s) in accordance with the guidelines approved by the State Board of Education, Vermont Standards Board for Professional Educators, and state law addressing mentoring for educators.

2121.4. Staff Evaluation.

For the purposes of this section, "staff" includes administrators, educators, and other school employees working with students. Staff evaluation programs and policies shall be designed and implemented with the goal of improved student outcomes and learning experiences. Such programs and policies shall:

- a) be consistent with the provisions of state and federal law and the Vermont Guidelines of Teacher and Leader Effectiveness adopted by the State Board of Education;
- b) include multiple sources of evidence to inform and measure teacher performance;

- c) address the professional learning needs of all staff, including administrators;
- d) address the needs of teachers who are new to the profession, the assignment or the school; and
- e) provide supports to improve instructional practice, content knowledge, working relationships (with colleagues, parents/legal guardians and community members), and other areas as appropriate to improve student outcomes and learning experiences.

2121.5. Tiered System of Support.

In accordance with 16 V.S.A. § 2902 ~~and State Board Rule 2194~~, each school shall ensure that a tiered system of academic and behavioral supports is in place to assist all students in working toward attainment of the standards. This system shall be aligned with the school's Personalized Learning Plan structures, and specific student support services shall be specified within a student's Personalized Learning Plan process. Student Personalized Learning Plans should help inform the structures and services put in place to support individual student learning. Provision of specific student supports, including relevant accommodations, shall be detailed within a student's IEP or 504 plan as required by federal law. Tiered systems of support should also integrate elements of early multi-tiered systems of support (MTSS) as relevant, to ensure that comprehensive and integrated systems of support are in place for all preK-12 students within an SU/SD.

School counseling services shall support the mission and vision of the school and shall be available to all students K-12. The services shall address students' academic, career, personal and social development, offer support and resources that are respectful of the lived experiences and unique identities of students, and support students who either experience or witness instances of racism and discrimination. Such services shall be aligned and integrated with the work of other professionals in the school setting, as well as those in other educational and human services.

Staffing shall be filled by licensed school counselors and other student support personnel with sufficient staff to carry out the school counseling services, such as guidance counselors, Student Assistance Program counselors, home-school coordinators, ~~English as a Second Language~~ multi-lingual learner coordinators and school-based clinicians. At the elementary level, there shall be no more than 300 students per school counselor and other student support personnel. Schools with fewer than 300 students shall employ a school counselor and other student support personnel on a pro-rata basis. At the secondary level, there shall be no more than 200 students per school counselor and other student support personnel.

Health services, including health appraisal and counseling, communicable disease control, mental health services, emergency and first aid care, and access to professional counseling, shall be made available in a confidential manner to students in each school. These health services shall

be respectful of the lived experiences and unique identities of students, including gender identity and gender transition, and be delivered in accordance with the school district's written policies and procedures, which shall be developed in collaboration with parents and community health resources.

The Vermont Department of Health recommends that schools and ~~supervisory unions~~ SU/SDs implement the School Nurse Leader School Health Services Delivery Model, which is consistent with the principles of the national Coordinated School Health Model, to ensure appropriate access and coverage across their ~~district or supervisory union~~ SU/SD.

Each school shall engage the services of a person licensed as a School Nurse or Associate School Nurse. There shall be no more than 500 students per school nurse. Schools with fewer than 500 students shall employ a nurse on a pro-rata basis.

The school shall comply with requirements of state law relative to vision and hearing screening, immunization, and child abuse reporting, and federal law relating to invasive physical examinations in accordance with the Protection of Pupil Rights Act, 20 U.S.C. § 1232h.

2121.6. Interagency Teams.

Schools shall participate in interagency teams as required by 33 V.S.A. § 4303 and any other requirement of law.

2122 Learning Environment

2122.1. School Facilities and the Learning Environment.

Each school shall maintain a safe, accessible, orderly, civil, flexible, and positive learning environment, which is equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive; free from hazing, harassment, and bullying; and based on sound instructional and classroom management practices and clear discipline and attendance policies that are consistently and effectively enforced.

The design and operation of the school facilities shall be in full compliance with all state and federal fire, health, and safety, chemical and architectural standards.

Each school's comprehensive plan for responding to student misbehavior, as required by 16 V.S.A. § 1161a(a), shall address student behavior, language, classroom attendance, clothing, and treatment of property, as well as consequences for violations of policy, and shall be clear and consistently enforced.

Each SU/SD school shall observe due process requirements as set forth in Rule 4300 et seq.

2122.2. Access to Instructional Materials.

Each school shall:

- a) provide a learning environment with sufficient supplies and infrastructure to allow for learning;
- b) develop, maintain, and expand as needed a collection of accessible print, multi-media, alternate format (e.g., high-quality audio files, electronic braille, and other forms of E-texts), digital and technology resources, administered by a certified library media specialist;
- c) ensure that the curriculum is supported by necessary and accessible digital, multi-media, alternate format (e.g., high-quality audio files, electronic braille, and other E-text tools and resources), and print resources;
- d) ensure that students, teachers, administrators and paraprofessionals have access to an organized collection of digital, multi-media, alternate format (e.g., high-quality audio files, electronic braille, and other E-text tools and resources), and print materials sufficient and appropriate to support all students in meeting or exceeding the current state and national standards at no cost to the student;
- e) provide students access to the library on a regular basis to use materials for reading, research, and for instruction in the skills needed to select and use information effectively;
- f) provide access to and instruction on how to use a variety of up-to-date information, assistive and other technology to support students ~~in meeting or exceeding the standards~~ learning;
- g) provide broadband Internet service for students and educators to access educational resources;
- h) adopt and implement written policies on electronic resources, acceptable Internet usage, and procedures for handling complaints for both staff and students;
- i) support a schedule that provides opportunities for a library media specialist to collaborate with teachers as they integrate information research skills into their curriculum; ~~and~~

- j) ensure that students are afforded the opportunity to learn the skills to locate, evaluate, synthesize, and to present information and ideas within content areas using technology integration; and
- k) ensure English Language Learners receive appropriate assistance to which they are entitled by providing language interpreters, services, and technology to participate equitably in all instructional and co-curricular programs.

2123 State and Local Comprehensive Assessment System

2123.1. Participation in the State Comprehensive Assessment System.

Each school shall administer assessments of student performance using methods developed by the State Board of Education under 16 V.S.A. § 164(9). Students who are unable to participate in district or state assessments shall be given an alternate assessment in accordance with law. Each school shall account for 100 percent of its students regarding their participation in the state assessments.

2123.2. Development and Implementation of Local Comprehensive Assessment System.

Each ~~supervisory union~~ SU/SD shall develop, and each school shall implement, a local comprehensive assessment system that:

- a) assesses the standards approved by the State Board of Education;
- b) employs a balance of assessment types, including but not limited to teacher-or student-designed assessments, portfolios, performances, exhibitions, ~~and~~ projects, and surveys or other tools to measure the social-emotional health of students;
- c) includes both formative and summative assessments, including those that establish annual protocols and timelines for assessing the progress and needs of English Language Learners (ELL) beginning at the point of enrollment and continuing at designated intervals during the year as determined by the teachers and parents or legal guardians of ELL students or as mandated in law or policy;
- d) enables decisions to be made about student progression and graduation, including measuring proficiency-based learning, the social-emotional well-being of students, the

existence and severity of opportunity and achievement gaps or deficiencies, and the state of progress on local, state and national directives intended to advance social and academic equity initiatives;

- e) informs the development of Personalized Learning Plans and student support;
- f) provides data that informs decisions regarding instruction, professional learning, and educational resources and curriculum; and
- g) reflects strategies and goals outlined in the district's Continuous Improvement Plan.

The performance criteria of the assessment system shall be clear and be communicated to teachers, administrators, students and their parents or legal guardians, and other community members in their home language(s), and in an accessible format. Students and parents shall be informed at least annually regarding progress toward achieving the standards. This communication includes accommodating linguistic diversity and providing information in students' native home language(s) and in or otherwise accessible formats.

Implementation and support by the Agency will be determined by the Secretary.

2124 Reporting of Results.

~~As required in 16 V.S.A. 165(a)(2), each school shall report student and system performance results to the community at least annually in a format selected by the school board. The report shall at minimum include those elements listed in 16 V.S.A. 165a(2) (A-K).~~

2124.1 Minimum Reporting Requirements

Each SU/SD shall report student and system performance results to the community at least annually in formats selected by the school board. SU/SDs shall at minimum report on indicators provided by the Vermont Agency of Education, those identified in 16 V.S.A. § 165(a), 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 describe student progress toward meeting academic standards;
- b) Graduation, dropout, retention and school attendance rates;
- c) Enrollment in and completion of flexible pathways, including career and 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 hazing, harassment 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.

2124.2 Requirements for Disaggregating Student-level Data

Student level indicators shall be disaggregated at least by school and according to student subgroups, including students identified:

- a. as economically disadvantaged;
- 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 (IEPs), separately and in total;
- d. with limited English proficiency, including immigrant children and youth; and
- e. as students who are publicly funded to attend an approved independent school.

Student subgroups should be defined consistent with federal and state statutes and regulations and Agency of Education policy. In no case shall a SU/SD reveal personally identifiable information about an individual student or violate the State's minimum group size for reporting.

The SU/SD's performance criteria of the school shall be clear and be communicated to administrators, educators, and other building staff.

Each ~~supervisory union~~ SU/SD shall establish a secure student data system that enables regular access for teachers and administrators. Teachers shall have access to academic performance data on individual students whom they teach and aggregate data on ~~student and system~~ SU/SD and school performance results. SU/SD and school administrators shall have access to individual student data and on student and system performance results.

2125 Continuous Improvement Plan

~~A Continuous Improvement Plan, as required in 16 V.S.A. 165, shall be developed and implanted in each public school district. Each SU/SD shall develop and implement a Continuous Improvement Plan as required by 16 V.S.A. § 165. The plan shall be designed to improve the performance of all students enrolled in the district: student learning and maintain a safe, orderly, civil learning environment that is equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive; and free from harassment, hazing and bullying. If a school district comprises more than one school building, a combined plan for some or all the buildings may be developed. The plan, however, may reflect the different needs of individual schools. The Plan should be serve as the overall planning and implementation document for the school strategic plan for the SU/SD, incorporating other reporting, planning, and implementation requirements (either from state, the federal government, local requirements, or external grant requirements) articulated by federal and state law and regulation and other local requirements.~~

The Plan shall be developed with the involvement of a culturally and socially diverse group of school board members, students, teachers, administrators, parents-families, and other community members. If an SU/SD comprises more than one school building, a combined plan for some or all the buildings may be developed; however, the Plan should reflect the different needs of individual schools. 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 Vermont Agency of Education, as well as including those identified in 16 V.S.A. § 165(a) and additional indicators determined locally, including but not limited to indicators reported pursuant to Section 2124 of this rule. These indicators will identify student performance data obtained from state and local assessments and other information related to student performance which may include, but is not limited to, dropout and retention rates, attendance, course enrollment patterns and graduations rates. Indicators may also include data on school practices and leadership. The Plan shall report student level indicators aggregated for the SU/SD and disaggregated according to school and student subgroups as identified by Section 2124 of this rule. In no case shall a SU/SD reveal personally identifiable information about an individual student or violate the State's minimum group size for reporting.~~

~~Agency support shall be differentiated in accordance with school needs, and shall work to reduce interventions for schools where student performance data indicates growth and success.~~

~~The school board shall approve the plan, which~~ The Plan shall also report on and consider findings from the SU/SD's self-evaluation conducted in accordance with Rule Series 100, District Quality Standards, and at a minimum shall 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 supports systems to ensure the school maintains a learning and social environment that is safe, orderly, civil, and positive, learning environment which is and equitable, anti-racist, culturally responsive, anti-discriminatory, inclusive and free from harassment, hazing and bullying; and
- d) required technical assistance from the Vermont Agency of Education as appropriate or determined by law.

An SU/SD's school board shall approve the Plan annually.

2126 System for Determining Compliance with Education Quality Standards

2126.1 Filing of Continuous Improvement Plan.

Pursuant to 16 V.S.A. § 165(a)(1), ~~On a two-year cycle published by the Agency, each school~~ SU/SD is required to file a copy of the its school or schools' Continuous Improvement Plan for the current school year, along with its responses to written public feedback and complaints, pursuant to Section 2121.1 of this rule.

This includes listing ~~of~~ the indicators (both those required by the Vermont Agency of Education and additional indicators as desired for use by the school) used for reflection and creation of the school's Continuous Improvement Plan; a description of the accomplishments, progress and changes regarding goals and strategies from the previous year's Continuous Improvement Plan and other evidence of meeting Education Quality Standards.

2126.2. Review, Secretary's Recommendations, and State Board Action.

~~The Vermont Agency of Education will conduct a review of all Vermont schools using one or more of the following strategies:~~

- ~~1. All Continuous Improvement Plans will be reviewed by Agency staff, with assistance from other Vermont educators in a peer review process, as required or desired. Each school will receive feedback from this review.~~
- ~~2. To meet the state accountability standards (which comply with federal accountability requirements), schools will be expected to develop and revise their Continuous Improvement Plan based on the Secretary's recommendations, accountability status and student outcomes.~~

~~The Agency may choose to differentiate support and requirements for individual schools based on identified needs.~~

- ~~3. On an annual basis, the Agency will identify schools for an Education Quality Standards review. All schools, regardless of accountability status, will be eligible for this review. The Secretary of Education will determine the requirements and outcomes of this review, including a peer review system between schools. The review will be based on the requirements of this rule to ensure equity and improved outcomes for students.~~

Pursuant to 16 V.S.A. § 165(b), at least annually the Secretary shall determine whether students in each Vermont public school are provided educational opportunities that are substantially equal in quality and that are equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive.

The review will be based on the requirements of this rule and consideration may include, but is not limited to:

- a. information contained in Continuous Improvement Plans submitted by SU/SDs on behalf of their schools, including data reported to AOE as required by Section 2124 of this rule;
- b. Other information necessary to meet state and federal accountability standards and requirements; and
- c. Written feedback and complaints that are submitted and SU/SD responses pursuant to Sections 2121.1 and 2126.1 of this rule and related to whether a school meets the Education Quality Standards.

If the Secretary determines that a school is not meeting the requirements of this rule or that the school is making insufficient progress in improving student performance pursuant to 16 V.S.A. § 164(9), the Agency shall describe in writing actions the SU/SD must take to ensure the school meets educational quality standards and provide technical assistance to the SU/SD and/or school. If the school fails to meet the standards set forth in this rule or make sufficient progress toward improving student performance pursuant to 16 V.S.A. § 164(9), the Secretary shall recommend to the State Board of Education one or more of the actions identified by 16 V.S.A. § 165(b)(1-5).

2126.3. Further Review; Secretary's Recommendations; State Board Action.

~~As required in 16 V.S.A. §165 (b), every two years the Secretary shall determine whether students in each Vermont public school are provided educational opportunities substantially equal to those provided in other public schools. If the Secretary determines that a school is not~~

~~meeting the quality standards, he or she shall recommend actions that a SU/SD district must take and offer technical assistance. If the school fails to meet the standards or make sufficient progress by the end of the next two year period, recommendations will be made to the State Board of Education as outlined in 16 V.S.A. §165(b).~~

16 V.S.A. § 165(f) regulates the process for an independent school to be designated as meeting Education Quality Standards, as well as the provision of technical assistance ~~in the event that if~~ the State Board finds an independent school is not meeting the standards or is failing to make progress towards meeting the standards.

2127 Variance and Waiver

Upon written request of a school board, and after opportunity for hearing, the State Board of Education may approve an alternative method for meeting the requirements of these rules when:

- a) the alternative method is consistent with the intent of the rule;
- b) the variance permits the school board to carry out locally established objectives; and
- c) the granting of the variance does not contravene any state or federal law, any federal regulation, or any rule of any state agency other than the State Board of Education, unless such rules themselves permit the granting of a waiver or variance.

Upon request of a school board, the Secretary may waive class and caseload size requirements where:

- a) necessary to carry out locally established objectives;
- b) student learning will not be adversely affected;
- c) classroom control will not be compromised; and
- d) it is otherwise in the best interests of student learning.

Unless exceptional circumstances are present, the Secretary shall respond to such requests within 10 days.

If any of these rules are in conflict with a provision in an existing collective bargaining agreement, the local board must provide an explanation to the Secretary to that effect, and if appropriate, a plan to address that conflict.

2128 Effective Date

Amendments to the Series 2000 Education Quality Standards Sections 2100 (Statutory

Authority), 2110 (Statement of Purpose), 2111 (Adoption of Content Area Standards), and 2114 (Definitions) These rules, except as otherwise specified herein, shall become effective 15 days after adoption is complete in accordance with 3 V.S.A. § 845(d). Amendments to all remaining Sections of the Education Quality Standards will take effect on July 1, 2025.

Implementation and support by the Agency will be determined by the Secretary.

HISTORY: STATUTORY AUTHORITY: 16 V.S.A. §§ 164 and 165; 2019 Act No. 1

EFFECTIVE DATE: September, 1984

AMENDED: March 17, 1987; March 20, 1990; January 2, 1991; June 5, 1991; August 5, 1994 Secretary of State Rule Log #94-59; August 15, 1995 Secretary of State Rule Log #94-60; May 9, 1997 Secretary of State Rule Log #97-14; January 6, 1999 Secretary of State Rule Log #98-82; September 1, 2000 Secretary of State Rule Log #00-47; January 25, 2006 Secretary of State Rule Log #06-002; August 24, 2006 Secretary of State Rule Log #06-023 [2120.8.7; 2194; 2195]; June 10, 2010 Secretary of State Rule Log #10-011 [2120.8.7; 2194; 2195]; April 15, 2014 Secretary of State Rule Log #14-009.



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: June 12, 2023, virtually via Microsoft Teams
Members Present: Chair Sean Brown, Brendan Atwood, Jennifer Mojo, Diane Sherman, Michael Obuchowski, Donna Russo-Savage, Nicole Dubuque and Jared Adler
Members Absent: John Kessler
Minutes By: Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of [minutes](#) from the May 8, 2023 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2-7 to follow.
 1. Rule 5.400 5.400 Petitions to Construct Electric and Gas Facilities Pursuant to 30 V.S.A. §248, Public Utility Commission, page 2
 2. 5.100 Rule Pertaining to Construction and Operation of Net-Metering Systems (the "Net-Metering Rule"), Vermont Public Utility Commission, page 3
 3. Rule 5.500: Interconnection Procedures For Proposed Electric Generation Resources And Energy Storage Devices, Vermont Public Utility Commission, page 4
 4. Education Quality Standards (Rule Series 2000), State Board of Education, page 5
 5. Vermont Use of Public Waters Rules, Agency of Natural Resources, page 6
 6. Medicaid Coverage of Exception Requests, Agency of Human Services, page 7
- Committee discussion postpone to a future meeting date:
 - Potential resources available for proposed rules to be reviewed for copyediting prior to presenting to ICAR.
 - Use of terms 'regulation' and 'promulgation': Administrative Procedure Act rules are adopted. Regulations are not promulgated.
- Other business: Donna Russo-Savage resigned from ICAR effective with her retirement date of June 30, 2023.
- Next scheduled meeting is July 10, 2023 at 2:00 p.m.
- 3:54 p.m. meeting adjourned.

Proposed Rule: Education Quality Standards (Rule Series 2000), State Board of Education

Presented By: Jennifer Samuelson, Tammy Kolbe, Kimberly Gleason

Motion made to accept the rule by Diane Sherman, seconded by Jen Mojo, and passed unanimously except for Donna Russo-Savage who abstained, with the following recommendations:

1. Proposed Filing – Coversheet, #8: Add a description as to what the rule is and what is being done.
2. Economic Impact Analysis:
 - a. #3: Include cross references to #4.
 - b. #4: Instead of using the reference to 'minimal', describe a category of costs and a range of how those costs might impact different districts depending on where they are.
 - c. #9: Describe 'how' as stated in the description and what data was used.

DRAFT

(802) 828-2863

MEMORANDUM

OFFICE OF THE SECRETARY OF STATE

Primary Contact: Kim Gleason, Member, State Board of Education, 1 National Life Drive, Davis 5, Montpelier, VT 05620-2501 Tel: 802-324-7145 Email: kimberly.g.gleason@vermont.gov

Secondary Contact: Bernie Lambek, Special Counsel, State Board of Education 15 East State Street, Suite 5, Montpelier, VT 05602 Tel: 802-223-1000 Fax: 802-223-5271 Email: blambek@zclpc.com.

URL: <https://education.vermont.gov/rules>

From: APA Coordinator, VSARA

RE: Education Quality Standards (Rule Series 2000).

Date 07/25/2023

We received Proposed Rule on 07/25/2023

Final Proposed Rule on

Adopted Rule on

We have assigned the following rule number(s):

Proposed Rule Number: 23P022

Adopted Rule Number:

(Final Proposals are not assigned a new number; they retain the Proposed Rule Number.)

The following problems were taken care of by phone/should be taken care of immediately:

Proposed Filing: Links to the virtual hearings were requested as they were not supplied on the forms, the agency emailed the information and SOS staff updated the database, and portal with the information. No further action required.

We cannot accept this filing until the following problems are taken care of:

The notice for this proposed rule appeared/will appear online on: 8/2/2023 and in the newspapers of record on 8/10/2023.

This rule takes effect on
Adoption Deadline: 03/25/2024

Please note: SOS staff assisted the agency with conversion of texts to remedy some software issues.

If you have any questions, please call me at 828-2863. OR
E-Mail me at: sos.statutoryfilings@vermont.gov

cc: Charlene Dindo