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Introduction to Act 77

Historical Context

Education reform in Vermont has a long and rich history. The most recent phase, culminating with the passage of Act 77 in 2013, can be traced through several essential documents.

[High Schools on the Move](#), published in 2002, describes the work and conclusions of a task group charged by the State Board of Education (SBE) in 1999 with addressing “the critical issues facing Vermont high schools.” Twelve Principles were identified which remain at the heart of the reform effort today.

[The Future of Education in Vermont](#), a 2007 publication, articulated the joint vision of the SBE and the Commissioner of Education at the time. It identified five statewide components to be addressed: student-centered education; leadership; flexible learning environments; engaged community partners; and indicators of success.

In 2009 the Vermont Legislature developed and passed what became [Act 44](#). This contained the first use of the phrase “Flexible Pathways to Graduation” and established the goal of a 100% graduation rate by 2020. While much of Act 44 was in session law only, it was the basis for the statutory language that would become Act 77.

In 2011 an informal study was conducted by the Department of Education to “uncover both opportunities and challenges related to two major policy directions that are currently driving high school transformation in Vermont: flexible learning pathways and proficiency-based graduation models.” The resulting [Policy Research Team Final Report](#) offered seven “Essential Recommendations,” all of which find reference points in Act 77.

Opening the 2012 Session of the Vermont Legislature, Governor Shumlin devoted much of his State of the State Address to education issues. The vision he offered contained the elements that saw their genesis a decade earlier. The Education Committees of the House and Senate worked closely with the Department of Education to develop a bill designed to reflect the Governor’s vision. While that bill failed to pass, it did set the stage for a renewed effort the following year. Act 77 became law in July of 2013 and can be seen as the result of many years of work on the part of many Vermont citizens, educators, and policy-makers to create a policy environment designed to foster a system of public education in which every student graduates and every graduate is college and career ready. The following describes the essential elements of Act 77, The Flexible Pathways Initiative.

Flexible Pathways to Graduation

This concept is at the heart of Act 77 and is defined as “any combination of high-quality academic and experiential components leading to secondary school completion and postsecondary readiness, which may include assessments that allow the student to apply his or her knowledge and skills to tasks that are of interest to that student.” This does not refer to a finite menu of pre-selected pathways from which a student must choose. Such flexibility in students’ experiences will require that school personnel, students, and parents are familiar with school-based course offerings, virtual learning opportunities, community work-based learning (WBL) opportunities, and dual enrollment options.

Schools must also be prepared to monitor and record satisfaction of progression and graduation requirements that are met through learning experiences well beyond the traditional classroom. Any experience through which learning occurs and can be demonstrated should be enabled to serve as the basis for value or “credit”. This new way of looking at learning and its demonstration implies a new role for schools and educators. Understanding how to value all learning experiences against the Standards to which all students are held will demand a significant practice shift. The Agency of Education is committed to helping supervisory unions and school districts obtain the information and resources they need to bring about these critical shifts in practice.

Personalization

Personalization of each student’s educational experience is most clearly illustrated in the requirement that all students in grades 7 through 12 will have Personalized Learning Plans (PLPs) by SY 18/19. While the requirement for PLPs applies to grades 7 through 12, Act 77 also makes it clear that the Legislature believes that “personalized learning and personalized instructional approaches are critical to students in kindergarten through grade 6 as well.” It is also clear that the Legislature has placed the emphasis not on the plan as documentation, but on the **planning process**. The definition of a PLP includes “documentation of an evolving plan developed on behalf of a student in an ongoing process involving a secondary student, a representative of the school, and, if the student is a minor, the student’s parents or legal guardian and [is] updated at least annually by November 30....”

Personalization is also manifested through the expectation that students will be able to engage in “flexible pathways to graduation,” defined as “any combination of high-quality academic and experiential components leading to secondary school completion and postsecondary readiness.” This concept is not to be confused with the idea that students choose from a limited menu of pathways that are pre-designed by educators. Rather, the emphasis is on “any combination of high-quality academic and experiential components.” It is the responsibility of the school representative in the planning process to ensure that successful completion of a student’s plan will result in graduation and college and career readiness.

Act 77 explicitly references several types of experiences that may become components in a PLP. These include: “applied or work-based learning opportunities, including career and technical education and internships; virtual learning and blended learning; dual enrollment opportunities ...; and early college programs ...” While there is an expectation that each of these categories of learning experiences will become more readily available to more students, this should not be seen as placing a limit on the possibilities that may be included in a student’s flexible pathway to graduation.

The Agency of Education was required by Act 77 to “convene a working group to ... support implementation of the personalized learning plan process ...” That working group has met and has published on the Agency website “guiding principles and practical tools for the personalized learning plan process and for developing personalized learning plans.” Several schools were awarded grant funds for use during the winter and spring of 2014 for the purpose of testing those tools through direct use. The website will continue to evolve as a primary source of support for PLP implementation.

Work-Based Learning

Act 77 calls for the expansion of work-based learning opportunities to more students. At a minimum this requires that schools “provide students, beginning no later than seventh grade, with career development ... resources.” Historically, work-based learning opportunities have been available to Career and Technical Education (CTE) students, under the direction of a licensed Co-op Coordinator. In recent years, some high schools have dedicated staff to this work. Expansion of such opportunities to more students will require efforts on two fronts. CTE resources should be more readily available to students as PLP components without the need for a commitment to CTE. In addition, work-based learning opportunities should be more readily available to students through their high schools. When the latter is the vehicle for this expansion, it must be done in a way that is safe and in compliance with law and regulation. Several schools have expressed interest in pursuing this by seeking grant funds to enable training on the WBL Manual and the WBL Gold Standards. The effort will continue to ensure that all personnel facilitating WBL services are familiar with these resources.

Career and Technical Education

The specific expectation in Act 77 “to create opportunities for secondary students to pursue flexible pathways to graduation” is modified by the language “including career and technical education.” The implication is that all students interested in including CTE experiences in their PLP will have meaningful opportunities to do so. This will only be possible if access to CTE experiences is made more flexible. Many students will continue to devote their junior and/or senior years to a half- or full-time program at a CTE center. However, that should not be the only way to access CTE services. Act 77 envisions the development of multiple points and modalities of engagement with the kinds of applied learning experiences that CTE has successfully offered.

Virtual/Blended Learning

Act 77 also envisions the expansion of virtual learning opportunities (i.e., “learning in which the teacher and student communicate concurrently through real-time telecommunication” and “online learning in which communication between the teacher and student does not occur concurrently and the student works according to his or her own schedule”). It is also recognized that virtual experiences may be more valuable when blended with face-to-face instruction. Vermont has made significant investments in virtual learning. Specifically, schools have access to the Learning Network of Vermont (LNV) and to the Vermont Virtual Learning Cooperative (VTVLC). The former uses equipment now installed in most Vermont schools and enables access to global learning resources. The latter offers more traditional coursework through an online platform in partnership with schools. This is an essential element if we are to take advantage of learning opportunities beyond the school building. It also implies a responsibility for ensuring that such experiences are relevant and of high quality.

Dual Enrollment

Act 77 defines dual enrollment as “enrollment by a secondary student in a course offered by an accredited postsecondary institution and for which, upon successful completion of the course, the student will receive ... secondary credit ... and postsecondary credit.” There was a preexisting Dual Enrollment Program before the passage of Act 77, established and managed by the Vermont State Colleges (VSC). The new Dual Enrollment Program, created by Act 77, is the responsibility of the Agency of Education. The intent of Act 77 is to expand the availability of dual enrollment opportunities, equitably, statewide. The mechanism for accomplishing this is to encourage schools to bring college courses to the secondary campus, in addition to students attending classes at a postsecondary institution. In other words, dual enrollment should not be limited to those students in close proximity to a college campus. High school juniors and seniors may access up to two vouchers for use at participating college partners. Currently, state funds cover the entire cost of tuition. Students must be able to demonstrate their readiness for college-level coursework and dual enrollment courses must appear in the student’s PLP. Readiness determination is to be made jointly by the secondary and postsecondary institutions.

Schools are required to provide access to eligible students. Providing access will certainly include determining eligibility, assisting eligible students in choosing courses and receiving vouchers, and transcribing college courses in compliance with the statute. In some cases, it will also include arranging for college courses to be offered on the secondary campus. There is also an expectation that secondary schools will collect enrollment data to be used in a longitudinal review and evaluation of the Dual Enrollment Program.

Early College

The Early College Program established by Act 77 expands upon the Vermont Academy of Science and Technology (VAST) model. In addition to VAST, a program operated by Vermont Technical College, other postsecondary public and private institutions are encouraged to develop similar programs. This will have the effect of enabling many more students to simultaneously complete the 12th grade, earn a secondary diploma, and also

complete the first year of a college experience. Because this is based on the VAST model, students are required to unenroll from high school. Unlike VAST, students at other postsecondary institutions will re-enroll in high school in order to receive a diploma. Secondary schools will therefore be responsible for helping eligible students plan for Early College (it must appear in the student's PLP), transcribing the college experience as applicable to the satisfaction of graduation requirements, and awarding the diploma.

In sum, the four different components referenced above are all acknowledged as important potential components in any student's flexible pathway to graduation. But they should not be seen as placing a limit on what students and schools may imagine as contributing to each student's unique experience. In addition, varying levels of state financial support are currently available for each of the components—an issue that must be addressed moving forward. As a whole, Act 77 moves Vermont's public education system to a model based on personalization. That is, we are expected to place students at the center of the construction and implementation of their own learning experience. Our role as educators is to facilitate that experience in a way that maximizes opportunities for students to pursue "high-quality educational experiences that acknowledge individual goals, learning styles, and abilities," and ensures that all students graduate and that all graduates are college and career ready.

[Agency of Education Documents](#)