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## MEMORANDUM

TO: Superintendents, Principals, Curriculum Coordinators, and School Counselors  
FROM: Rebecca Holcombe, Ed.D., Secretary, Agency of Education *RH*  
Heather Bouchey, Ph.D., Deputy Secretary of Education *HB*  
SUBJECT: Flexible Pathways Initiative  
DATE: January 23, 2017

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This memorandum is intended to highlight key considerations that should guide decision-making with respect to the creation and implementation of personalized learning plans (PLPs) pursuant to the Flexible Pathways Initiative (Act 77). This memorandum is a starting place and not a comprehensive discussion of Flexible Pathways.

In creating administrative processes and practices, local education teams must consider the following:

1. It is within the SU/district's authority to approve or disallow PLP requests that do not adhere to these criteria.
2. Equitable access to both high-quality flexible pathway opportunities and opportunities to demonstrate achievement of proficiency-based graduation requirements (PBGRs) is essential. So-called "pay to play" experiences are rarely likely to meet this criterion, unless all students are given the opportunity to count similar experiences in meeting PBGRs. Accordingly, supervisory union and district leaders must think carefully about how local policy and practices ensure student equity for meeting learning proficiencies and PBGRs.
3. Nothing in Act 77 creates an individual entitlement or private right of action on the part of students and families.
4. Flexible pathway experiences that occur outside of the school must comply with both truancy statute (16 V.S.A. § 1121) and the SU/district's local attendance policy. Specifically, local Act 77 policy and practices should reflect how PLP components occur *in lieu of* on-site curriculum requirements.

We discuss each of these issues in more detail below, followed by several examples that have recently or are anticipated to come to the attention of AOE staff (see Appendix A). These examples illustrate potential issues and situations that you may experience when evaluating student proposals for PLPs.

## Background

While the law encourages creation of “Flexible Pathways to Secondary Completion” through development of personalized learning plans (PLP), SUs/districts should be mindful that the law did not create an individual entitlement or a private right of action. Primary purposes of the law are to (1) encourage and support the creativity of SUs/districts as they develop and expand high-quality educational experiences in secondary education, (2) promote opportunities for Vermont students to achieve postsecondary readiness and (3) increase rates of secondary school completion and postsecondary school continuation.

The law provides a significant amount of flexibility to SUs/districts in developing PLPs and flexible pathways embedded within them, but any proposal should be evaluated based on whether the activity contributes to the student’s postsecondary readiness or secondary school completion and potential postsecondary school continuation.

Under Act 77, SUs/districts are expected to:

- Identify and support students who need additional assistance to succeed in school and to identify ways in which individuals students would benefit from flexible pathways to graduation.
- Work with every student in grades 7-12 in an ongoing personalized learning planning process that: identifies the student’s emerging abilities, aptitude, and disposition; includes participation by families and other engaged adults; guides decisions regarding course offerings and other high-quality educational experiences; creates opportunities for students to pursue flexible pathways to graduation; and is documented.
- Create opportunities for secondary students to pursue flexible pathways to graduation that are an integral component of a student’s PLP.

Developing local policies around Flexible Pathways will help SUs/districts evaluate both internal and external suggestions regarding a PLP.

## Key Considerations

**Activity Cost and Equity.** In developing relationships with outside entities for purposes of creating educational program opportunities outside of the traditional school setting, keep in mind that any required costs or fees for participation necessarily create inequity. Educational programs that are integral to or a part of the core educational curriculum should be at no direct cost to the parent. Vermont law requires a free public education, including that the SU/district provide all text books, learning materials, equipment and supplies. This core tenet

of the public school system also applies to extracurricular and co-curricular activities, in addition to core curriculum. Otherwise, students of limited economic means are excluded from activities accessible to their classmates. In essence, the district cannot build in inequities regarding what counts toward postsecondary readiness and secondary completion within the PLP. SUs/districts are advised to think carefully about the content of different students' PLPs from this perspective.

Any proposal requiring a fee for participation violates this tenet. Parents are, of course, free to enroll their children in their choice of enrichment activities outside of school, but to be part of a PLP the district is making a judgment that an activity is an integral part of the student's public school education and may not impose an additional cost on the student. Further, parents are free to enroll their children in enrichment activities, but this does not obligate the SU/district to count such activities in meeting the student's proficiency-based learning objectives or PBGRs. In making local decisions, SUs/districts must ensure that all students have equitable access to both flexible pathway opportunities and the chance to count such experiences toward their graduation requirements. Nothing in Act 77's reference to "high quality educational experiences" implies a commitment or ability of a student to pay for such experiences, nor are SUs/districts obligated to pay for any PLP component that creates inequity across students.

**Attendance.** The SU/district should also consider whether and how participation will conflict with attendance in the core curriculum that is also part of the student's PLP. For example, a program that removes a student from school twenty percent (20%) of the school year would run up against school attendance requirements unless it has been incorporated into the student's PLP *in lieu of* a core requirement.

A second aspect of attendance, related to equity, is consideration of those students unable to participate in out-of-school opportunities due to barriers such as fees or transportation costs, and whether the inability to participate in such offerings creates a second-class system of flexible pathways. While the intent of the statute was to create flexibility, SUs/districts must consider the effects of permitting a student with means to access qualitatively different activities that count toward secondary school completion.

**Financial Resources.** The district must consider its system-wide financial resources in determining what specific educational programs or activities it will incorporate into PLPs in an effort to offer students equitable flexible pathways to graduation or postsecondary completion.

**Integral Part of Cohesive Education System.** Finally, the Flexible Pathways Initiative should be regarded as a part of a holistic public education system – the goal of which is to provide a

high quality system of education that prepares its students to be contributing and productive members of society at a cost which the taxpayers of the State are willing and able to bear.

### **Summary**

This memorandum highlights some of the issues for SUs/districts to consider in the development of local policies around Flexible Pathways and PLPs. It is certainly not an exhaustive summary of issues that may arise in this area. As SUs/districts continue to implement this initiative and further issues evolve, the Agency will issue additional memoranda to the field in order to share successes and challenges across the State.

## Appendix A

Actual and hypothetical examples from the field highlight the need for a shared set of approaches from SUs/districts. With the goal of sharing information statewide, below are some examples of requests that have been or may be made to SUs and districts. We share them here to inform your local efforts, as we all strive for a coherent implementation.

Examples:

1. Parents of a ninth grader currently pay for their child to attend an outdoor program once a week for a full day and want the student's PLP to include this experience for credit toward graduation, as well as the district to pay for the program.
2. The parents of a student who struggles with math in a classroom setting suggest that the student's PLP includes an internship two afternoons a week that would help the student connect math and its real life application. Parents have located an internship at a company where the student would work with someone who does inventory control.
3. A parent sends her child to school in Mexico for the summer and wants the district to assess her Spanish proficiency as a result of that experience in order to satisfy language requirements.
4. A parent operates a business and wants her child to work in the business as part of his PLP.

### Application of Key Considerations

#### 1. Outdoor program proposal

The SU/district may consider whether there are other high quality educational experiences, including courses offered within the district, Career Technical Education (CTE) center, existing work-based learning arrangements or programs, etc. that offer similar experiences and content. The fact that existing experiences offered by the district are not identical to the student's requested activity does not guarantee district approval of the student's proposal. The PLP process allows the district to "guide decisions regarding course offering and other high quality educational experiences." Likewise, nothing in the language of the Flexible Pathways Initiative suggests that SUs/districts assume the cost of or undertake the process of evaluating an activity for credit simply because a request is made.

If the SU/district believes the activity merits consideration, there are several issues that would have to be addressed: the degree of supervision; the quality of the activity requested – particularly if it is offered by an entity with which the SU/district has not partnered in the past; whether its content satisfies core requirements for secondary school completion; whether incorporating the activity in the PLP will increase postsecondary readiness and/or

the chance that the student will complete secondary school or continue to postsecondary school; and whether the cost of the program is justified in terms of alternatives.

## **2. Parent's internship proposal for math**

Issues for the SU/district include whether the actual work to be performed would require the student to learn the same math-related skills and proficiencies as are taught in the classroom; whether the student seems likely to learn successfully in an off-site work environment based on her abilities, aptitude and disposition; the age of the student and whether child labor laws are implicated; and general safety and supervision issues. This is not a situation in which the employer is an employee or contractor of the district. Nevertheless, if the company is a new internship partner the SU/district would want to evaluate the work environment.

## **3. Language accreditation through personal travel**

Issues to consider are whether or not this experience would meet the EQS requirements for global citizenship (social sciences and languages) and whether the proposed experiential activities address or further the Flexible Pathways goals of furthering postsecondary readiness or secondary school completion and postsecondary continuation. If accreditation of language skills acquired through summer travels are incorporated into a PLP, the policy might also address whether to credit language skills of a student who acquired second language skills in the home. Consistent with personalization and personalized learning, the SU/district may consider assessing the student's fluency (e.g., using an end-of-year exam), in order to determine proficiency and adequately place the student in additional coursework within the foreign language. Similar to other course experiences, students should have an option to pass an exam to demonstrate proficiency.

## **4. Student working in parent's business**

In addition to supervision issues inherent to an internship or other work-based learning opportunity, as described above, SUs/districts must view all requests or proposals for consideration of the academic credit/graduation credit to be earned from the particular activity. Flexible pathways are designed to allow individual students multiple avenues to meeting the *same* proficiencies. Similarly, the SU/district must consider how the work is to be assessed for the proposed credit. This requires the SU/district to determine in advance what the student's learning product(s) will be and how the SU/district will assess the proficiencies obtained through the educational opportunity or program. Ultimately, the question is whether the experience will help the student meet proficiencies. The intent of the statute is not just to award credit for opportunities outside of the classroom.