

Vermont State Board of Education
Rule Series 2000 – Education Quality Standards

CVR 22-000-003

DRAFT Final Rule v.22 CLEAN (April 2, 24) (Annotated from Proposed Rule)

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[TO BE UPDATED AT FINAL DRAFT]

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2000 Education Quality Standards

2100. Statutory Authority

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

2105. 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 and adult education and learning.

These rules prohibit discriminating against any student pursuing an education or participating in the general life or activities of a school because of or based on any actual or perceived protected class consistent with state and federal law. 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, religion, national origin, marital status, sexual orientation, gender identity, or disability, or any other reason set forth in state or federal non-discrimination requirements.

In addition to the non-discriminatory protections in Section 2113, discriminating 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, housing status, or non-citizenship or immigration status, is contrary to the Board's intent that all students experience an equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive learning environment.

These rules further require each supervisory union, supervisory district and school district, 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 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, school district, or school. ~~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 or State Board. Nothing herein shall create a private right of action.

2110. Definitions

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

“Agency” means the Vermont Agency of Education.

“Anti-discriminatory” practices are 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, and that promote a fair, just and equitable learning environment for all students.

“Anti-racist” practices are 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 and that promote a racially inclusive learning environment for all students.

"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.

"Career ~~and~~ Technical Education" means an educational program that supports attainment of a high school diploma and is 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.

“Caste” refers to hierarchical social systems of exclusion and dehumanization based on 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.

“Civic and community engagement” refers to 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.

“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.

“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.

“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.

“ Culture” refers to 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.

“Discrimination” refers to any exclusion, restriction, or preference based on any protected class as identified in state or federal law. . Discrimination may be practiced by individuals and groups, and may also be expressed systemically through the structures, laws, practices, and policies of public and private institutions, employers, and organizations.

“Educator Mentoring” is 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.

“Equity” or “Equitable,” as referenced in these rules in relation to schools or educational programs, results in each student receiving the resources and educational opportunities to learn and thrive 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.

“ Ethnicity” 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, language, religion, tribe or indigenous people

(including the Indigenous Peoples of Vermont), or various combinations of these characteristics, and may reflect a legally protected class of people in some contexts.

“Evidence-based” has the same meaning as 20 U.S.A.7801(21) and applies 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,

“Inclusion” or “Inclusive” practices, as used in this rule, are 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.

“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.

“Language” refers to systems of conventional and unconventional spoken, visual-manual, technological, and written symbols that human beings use personally and as members of social and cultural groups to express themselves, shape identity, acquire knowledge, mediate power, play, create, imagine, build and sustain familial, social, and cultural bonds, and express a wide range of personal needs, aspirations, and emotions.

“Linguistic diversity” refers to 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.

“Needs-based professional learning” refers to 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.

“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, but are not limited to, autism, attention deficit hyperactivity disorder, dyspraxia, dyslexia, dyscalculia, and Tourette Syndrome.

“Proficiency-based learning” refers to systems of instruction, assessment, grading and academic reporting that are based on students demonstrating mastery of the knowledge and skills they are expected to learn before they progress to the next level, get promoted to the next grade, or receive a diploma.

“Proficiency-Based Graduation Requirements” are the locally determined set of content knowledge and skills aligned to state standards that, when supplemented with any additional locally-developed requirements, have been determined to qualify a student for earning a high school diploma. The requirements shall be clear, shared learning expectations that empower students and provide opportunities for choice in learning experiences and accord multiple ways to demonstrate proficiency in knowledge and skills. In this system, “Proficiency-Based

Graduation Requirements” are supervisory union or supervisory district-wide learning objectives used by educators and students to drive instruction and assess growth in new learning.

“Race” embodies an 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, and may reflect a legally protected class of people in some contexts.

“Racism” embodies 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.

“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. They encourage members of the school community to be constantly present, attending to needs as they arise. They exercise the ability to be dynamic rather than static in a given response. 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 vulnerabilities. Restorative processes and programs shall not remove from a supervisory union, supervisory district, school district, or school, or lessen to any degree the responsibility under Vermont law and policy to investigate, call out, name, and discipline behaviors that violate the Agency’s “Policy for the Prevention of Harassment, Hazing and Bullying” (HHB) and Federal Title IX.

“School” refers to 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 education centers, as specified in 16 V.S.A. Chapter 37, and virtual learning experiences and opportunities that are offered by the school and/or supervisory union or supervisory district. 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.~~

“Secretary” means the Secretary of Education or his or her their designee.

“Social Identity Group” refers to a group of people who share common characteristics that shape their identity 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.

“State Board” means the Vermont State Board of Education.

“Technology Integration” refers to 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.

2111. Adoption of ~~Performance~~ Performance Standards

Pursuant to 16 V.S.A. § 164(9), the State Board will implement and periodically update standards for student learning in appropriate content areas from kindergarten to grade twelve. ~~Supervisory Union~~ Supervisory union and supervisory district boards shall use these standards as the basis for developing and selecting curriculum, methods of instruction, locally developed assessments, and the content and skills taught and learned in school.

2112. Education Quality Standards

~~In order~~ 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~~ each supervisory union, supervisory district, school district, and school to which these rules apply, 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). Independent schools seeking designation that they meet education quality standards pursuant to 16 VSA 165(f) must also meet the standards outlined in these rules except where doing so is otherwise contrary to Title 16 of the Vermont Statutes Annotated or the school is otherwise directed in state law. As these rules relate to independent schools designated as meeting education quality standards and unless the context suggests otherwise, duties assigned to supervisory unions, supervisory districts, school districts, or schools shall all be assigned to the independent school; duties assigned to school boards shall all be assigned to the independent school's governing board; and duties assigned to superintendents and principals shall be assigned to the school's head of school.

2113. Federal and State Entitlements Nondiscrimination; Federal and State Requirement; Student Records

2113.1 Federal and State Entitlements

Each supervisory union, supervisory district, school district, and school shall ensure that students are furnished educational and other services in accordance with state and federal entitlements and requirements.

2113.2 Nondiscrimination

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, religion, national origin, marital status, sexual orientation, gender identity or disability, or any other reason set forth in state or federal non-discrimination requirements.

2113.3 Federal and State Requirements; Student Records

(a) Federal Requirements. Each supervisory union or supervisory district, shall adopt and implement policies consistent with the federal Protection of Pupil Rights Act, 20 U.S.C. § 1232h, regarding surveys, analyses, and evaluations. Each school district and school shall comply with requirements related to invasive physical examinations in accordance with the Protection of Pupil Rights Act, 20 U.S.C. § 1232h.

(b) State Requirements. Each school district and school shall comply with requirements of state law relative to vision and hearing screening, immunizations, and child abuse reporting. Supervisory unions shall participate in interagency teams as required by 33 V.S.A. § 4303 and any other requirement of law.

(c) Student Record Maintenance and Retention.

1. For the purposes of this section, a transcript is a formal record certifying and documenting a student's or former student's academic achievements and shall include, at a minimum, the student's name, date of birth, last known address, dates of attendance, courses taken, standardized test scores, grades or proficiencies achieved, and credits or credentials awarded. An academic record includes a student's transcript and may also include alternate graduation plans, an Individualized Education Program , a 504 Plan, personalized learning plan, rank in class, awards, activities, clubs, and other information not included in a student's transcript. The academic record shall not include documents, notes, records, or descriptions of a student's disciplinary history. Academic records are not the same as education records, as referenced in FERPA.

2. Each ~~supervisory~~ union, supervisory district, and school district shall develop and implement policies and procedures for the secure collection, maintenance, disclosure, transfer, and destruction of academic records. Policies shall ensure that records are kept physically and electronically secure; enable accurate and timely reporting in connection with state and federal data collection requirements in alignment with the Agency's statewide data collection efforts; ensure the accuracy, relevancy and confidentiality thereof, and accessibility thereto; and comply with the federal Family and Educational Rights and Privacy Act (FERPA). School personnel shall protect the confidentiality of all student information and shall release information only as permitted by law.

3. Unless otherwise designated by local policy or state law, each supervisory union or supervisory district that operates grades nine through twelve shall permanently maintain the transcripts of students who have either graduated or withdrawn, and the academic records may be permanently maintained by the school

2120. Instructional Practices and Curriculum Development

2120.1. Instructional Practices-Strategies

Educators ~~Instructional practices~~ shall promote personalization and high expectations ~~and enable~~ so that each student may successfully engage with the curriculum delivered and meet graduation requirements. Practices employed by educators shall include examining and teaching a subject from multiple academic perspectives and encouraging students to engage with and synthesize diverse perspectives and narratives, including those from the students' lived experiences, into a coherent understanding or analysis. Classroom instruction shall include a range of ~~research~~ 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;

(b) 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;

(c) 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;

(d) 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;

(e) communicating in culturally and linguistically responsive ways;

(f) providing learning experiences that are designed for neurodiversity with multiple ways for students to access learning;

(g) using educational and assistive technology to reduce barriers to learning and heighten student engagement;

(h) cultivating student agency by providing multiple ways for students to engage with and demonstrate their new learning;

(i) emphasizing an inquiry-driven approach to all units of study and bringing real-world issues into the classroom;

(j) heightening the relevance and importance of learning objectives and providing mastery-oriented feedback;

(k) employing the use of data to adapt pedagogy to unique student needs and incorporate student feedback into instructional design and curricula;

(l) teaching students how to develop metacognitive and social emotional skills that improve their academic outcomes;

(m) designing learning experiences that improve students' wellbeing, including opportunities for physical movement in the classroom; and

(n) fostering a positive classroom culture using restorative practices where appropriate.

2120.2. Career Counseling and Flexible Pathways

Supervisory unions, supervisory districts, and schools must ensure that students receive appropriate career counseling and program information regarding the availability of education and apprenticeship program offerings at career technical education centers and 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 educators 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 supervisory union and supervisory district'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 of and highlight the importance of inclusion of people with disabilities in society;

(e) communicate to students and parents and legal guardians 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

School districts serving grades nine through twelve shall coordinate with their designated career technical education center to ensure genuine access and support for all eligible students as required by 16 V.S.A. § 1541a. Any eligibility requirements for a given career technical education 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 shall offer a genuine opportunity for students to access career technical center programs. 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, school districts shall ensure all students in grades seven through twelve are engaged in an ongoing personalized learning planning process that is documented by 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, 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 by November 30.

~~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. Tiered System of Support

In accordance with 16 V.S.A. § 2902 ~~and State Board Rule 2194~~, each school district 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 each school's personalized learning plan ~~structures, and specific student support services shall be specified within a student's Personalized Learning Plan process.~~ Each school district shall assign responsibility for developing and maintaining the tiered system of supports either to the superintendent pursuant to a contract entered into under 16 VSA 267 or to the school principal.

Student personalized learning plans shall 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 (EMTSS) as relevant, to ensure that comprehensive and integrated systems of support are in place for all preK-12 students.

Each school shall have an educational support team composed of staff from a variety of teaching and support positions to determine which enrolled students require additional assistance to be successful in school or to complete secondary school based on indicators set forth in guidelines developed by the Secretary, such as academic progress, attendance, behavior, or poverty. The educational support team shall pay particular attention to students during times of academic or personal transition. Ideally, and when appropriate, the educational support team would include students, administrators, teachers, a school psychologist, special educators, school counselor(s), parents or guardians, a social worker, and other staff with behavioral and/or academic expertise. Other duties of the educational support team, under 16 VSA 2902, are to:

- (a) Identify the classroom accommodations, remedial services, and other supports to be provided to the identified student.
- (b) Assist teachers to plan for and provide services and accommodations to students in need of classroom supports or enrichment activities.
- (c) Develop an individualized strategy, in collaboration with the student's parents or legal guardian whenever possible, to assist the identified student to succeed in school and to complete their secondary education.
- (d) Maintain a written record of its actions.

School counseling services shall support the mission and vision of the school and shall be available to all K-12 students. 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.

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.

2120.5. Learning Content Areas

Each ~~supervisory union~~ supervisory union or supervisory district shall develop written curriculum that is aligned with the standards approved by the State Board. The curriculum shall be equitable, anti-racist, culturally responsive, anti-discriminatory, inclusive and accessible to families and community members. Knowledge of diverse cultures, languages, and perspectives shall be incorporated 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.

Each school district 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, engineering and technology design);

(d) global citizenship, including the concepts of civics, economics, geography, world language and cultural studies, and history;

(e) physical education and health education as defined in 16 V.S.A. § 131; Schools shall comply with the national physical education standards as approved by the State Board, and:

1. 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.

2. 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.

3. 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 and core arts disciplines such as dance, media arts, music, theater, and visual arts, in alignment with the standards that have been approved by the State Board;;

(g) transferable skills, which refers to lifelong learning and interdisciplinary skills that are vitally important for students' personal agency and contributions as members of a diverse and democratic society, including communication, collaboration, creativity, innovation, inquiry, problem solving, critical thinking, the use of technology, and intercultural competency; 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 school district 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.

All students, including those who require additional assistance in order to succeed or be challenged in the general education environment, shall be provided with appropriate socially and culturally responsive learning opportunities to support their attainment of the standards approved by the State Board.

~~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 Each school district shall implement a written curriculum developed pursuant to 2120.5 that is:

(a) aligned with the standards approved by the State Board;

(b) coordinated across all grades to prepare students for graduation and life beyond;

- (c) coordinated across the ~~supervisory union~~ supervisory union or supervisory district, including sending high schools and career technical education centers;
- (d) informed by ongoing review of new research, changing learning opportunities, and updates to the standards approved by the State Board;
- (e) designed to enable all students to achieve the graduation requirements; and
- (f) integrated with technology across all disciplines.

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

Each supervisory union, supervisory district, and school district board shall align existing 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 learning content areas in Section 2120.5 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 performance in attaining the above goals.

2120.7. Graduation Requirements

A student meets the requirements for graduation when the student demonstrates proficiency in the curriculum developed in the learning content outlined in Section 2120.5 and completes any other requirements specified by the board of the school district 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 typical 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.

Supervisory unions and supervisory districts must provide appropriate programs and accommodations that ensure English Language Learner (ELL) students have 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.

Graduation policies must define proficiency-based graduation requirements based on standards adopted by the State Board. It is the responsibility of the ~~supervisory~~ supervisory union or supervisory district board to ensure alignment in expectations for all students within its schools.

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 School Leadership; Professional Resources

2121.1. ~~School~~ School Leadership

The roles and responsibilities of the ~~supervisory union~~ supervisory union, supervisory district, school district, and school's leadership, including the their boards, superintendent, principal, and career technical education center director, if applicable, shall conform to applicable provisions in 16 V.S.A. regarding authority and duties.

Each supervisory union, supervisory district, and school district board shall ensure the alignment of existing policies and create new policies as needed to ensure compliance with these Education Quality Standards. When undertaking this policy work, 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 and legal guardians and other community members who are often underrepresented in this work and in school decision-making.

Supervisory union, supervisory district, and school district boards shall establish and make accessible an inclusive process for receiving public feedback, to include students, legal guardians, and staff feedback regarding their experiences in the school system. especially as it relates to racial, ethnic, or social identity group experiences. Boards and school leadership must also establish procedures for handling and responding directly to 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 Agency 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 this, the superintendent or ~~his or her~~ their designee must:

- (a) supervise licensed principals and career technical education center 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 supervisory union or supervisory district;

(e) coordinate the principal's or career technical education center director's schedule, as applicable, to enable ~~him/her~~ them to engage in student learning, such as:

1. teaching a course or hosting an advisory with students;
2. mentoring a group of students in developing their personalized learning plans;
3. providing support for students through support services; or
4. promoting 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 ; 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.

2121.2. Staff

As required in 16 V.S.A. § 1692, all professional staff shall be appropriately licensed and 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. Instructional and administrative staff members must possess the knowledge and skills necessary to implement the standards in alignment with professional educator standards established by the Vermont Standards Board for Professional Educators.

2121.2.1 Staffing Requirements

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.

Each ~~supervisory union~~ supervisory union or supervisory district 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.

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.

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.

The Vermont Department of Health recommends implementing 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.

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.

2121.2.2 Class Size

Classes in grades K-3, when taken together, shall average fewer than twenty students per teacher. In grades four through twelve, when taken together, classes shall average fewer than twenty-five 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 teaching of greater numbers of students while meeting the educational goals of the program.

School district boards, in coordination with their superintendent, must establish optimum class size policies as consistent with statutory guidance from the Agency. Class size must comply with state and federal safety requirements.

2121.3. Needs Based Professional Learning

Each ~~supervisory~~ union or supervisory district 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. This shall include ongoing resources and supports to create and strengthen an equitable, anti-racist, anti-discriminatory, and culturally and linguistically responsive, and inclusive school experience for all students and to cultivate the knowledge, skills and practices required to identify and remediate discrimination because of, or based upon, the reasons set forth in Section 2113 and in the Statement of Purpose. Time for professional learning ~~should~~ will be embedded into ~~the school day~~ the agreed-upon scheduled times for school employees as defined by collective bargaining agreements where they exist.

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

Educator Mentoring shall be a component of ~~supervisory~~ the needs-based professional learning system required in this subsection. 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 Agency, State Board, 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 performance, 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;

(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 or the assignment or the school; and (e) provide supports to improve instructional practice, content knowledge, working relationships (with colleagues, parents and legal guardians and community members), and other areas as appropriate to improve student performance, outcomes, and learning experiences.

2122 School Facilities, Learning Environment, Instructional Materials

2122.1. School Facilities

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 harassment, hazing, 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 school district shall observe due process requirements as set forth in Rule 4300 et seq.

2122.2. Access to Instructional Materials

Each school district shall provide anti-racist, culturally responsive, anti-discriminatory, and inclusive instructional materials and, further, 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 that are 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 and 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 from 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 assistance to which they are entitled by providing language interpreters, services, and technology that allow them 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 district shall administer assessments of student performance using methods developed by the State Board 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~~ supervisory union or supervisory district shall develop, and each school shall implement, a local comprehensive assessment system that:

(a) assesses student performance in meeting the standards approved by the State Board;

(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 supports made available to students;

(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 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 referenced in (a) – (g) above. This communication shall accommodate linguistic diversity and provide information in students' native home language(s) and in or otherwise accessible formats.

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 supervisory union or supervisory district shall report student and system performance results, on a school-by-school basis, to the community at least annually in formats selected by the school district board. At minimum, the report shall include indicators provided by the Agency, those identified in 16 V.S.A. § 165(a)(2), 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 describes student progress toward meeting academic standards;

(b) Graduation, withdrawal, retention and school attendance rates;

(c) Enrollment in and completion of flexible pathways, including career 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 , 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, as made available by the Secretary.

Student subgroups should be defined consistent with federal and state statutes and regulations and Agency policy. In no case shall a supervisory union or school district reveal personally identifiable information about an individual student or violate the state's minimum group size for reporting.

The performance criteria for the student and system-level reports described in this subsection ~~of the school~~ shall be clear and be communicated to administrators, educators, and other building staff.

Each ~~supervisory union~~ supervisory union or supervisory district shall establish a secure student data system that enables regular access by teachers and administrators. Teachers shall have access to academic performance data on individual students whom they teach and aggregate data on ~~student and system~~ school and supervisory union or supervisory district performance results. Administrators shall have access to individual student data and on student and system performance results to the extent permitted under state and federal law.

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 supervisory union or supervisory district shall develop and implement a Continuous Improvement Plan for each school as described by 16 V.S.A. § 165. If the supervisory union or supervisory district comprises more than one school building, a combined plan for some or all of the buildings may be developed provided that , the Plan reflects the different needs of individual schools. The Plan shall be designed to improve 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 supervisory union or supervisory district , 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 comprised of school board members, students, teachers, administrators, parents, families, and other community members. 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 Agency, ~~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 graduation rates. Indicators may also include data on school practices and leadership. The Plan shall include student level indicators aggregated for the supervisory union or supervisory district and disaggregated according to school and student subgroups as identified by Section 2124 of this rule. In no case shall personally identifiable information of an individual student be revealed or the State's minimum group size for reporting be violated.~~

~~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 supervisory union or supervisory district's self-evaluation, if applicable, 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 support 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 Agency as appropriate or determined by law.

The supervisory union or supervisory district 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~~ each supervisory union or supervisory district is required to annually file a copy of its school or schools' Continuous Improvement Plan for the current school year with the Agency, as well as the following:

- (a) its responses to written public feedback and complaints, pursuant to Section 2121.1 of this rule,
- (b) a list of ~~of~~ the indicators (both those required by the Agency and additional indicators as desired for use by the school) used for reflection and creation of the school's Continuous Improvement Plan,
- (c) a description of the accomplishments, progress and changes regarding goals and strategies from the previous year's Continuous Improvement Plan, and
- (d) 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 and independent school designated as meeting education quality standards 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 supervisory unions or supervisory districts on behalf of their schools, including data reported to the Agency 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 to the supervisory union or supervisory district that relate to whether a school meets the Education Quality Standards pursuant to Sections 2121.1 and 2126.1 of this rule and subsequent responses.

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 any actions the school must take to ensure the school meets educational quality standards and must provide technical assistance to the supervisory union, supervisory district and/or school, as needed. If the school fails to meet the standards set forth in this rule or to make sufficient progress toward improving student performance pursuant to 16 V.S.A. § 164(9), the Secretary shall recommend to the State Board 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 Actions

~~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 toward meeting the standards.

2127. Variance and Waiver

Upon written request of a school district board and after opportunity for hearing, the State Board 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) granting 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, 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. Implementation and Support

Implementation and support will be provided by the Agency of Education.

2129. Effective Date

These amendments shall take effect on July 1, 2025.