

Version: February 28, 2023

Vermont State Board of Education Manual of Rules and Practice

Series 2000 – Education Quality Standards

Revisions Under Consideration by State Board of Education

Version: Subcommittee Meeting Draft, February 21~~7~~, 2022

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Series 2000 – Education Quality Standards

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

2000 EDUCATION QUALITY STANDARDS

Commented [1]:
necessary?

2100 STATUTORY AUTHORITY ~~16 V.S.A. §§ 164, and § 165~~ and § 906, and Act 1 of 2019

Commented [2]:
Add Act 1 and 16 VSA 906 HERE

Commented [3]:
How is this properly cited?

2110 STATEMENT OF PURPOSE

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

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

Commented [4]:
Act 1 group recommendation for consistency with new definition of civic and community engagement. Accepted 1/19/23

Commented [5]:
Include all components of flexible pathways and public education system

Commented [6]:
We concur. These are the terms that are state of the field.

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

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

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

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

This manual adopts a definition of Discrimination that is broader than its legal definition. Nothing herein shall be construed as creating or recognizing any private right of action.

Commented [7]:
Universal update per AOE recommendations to update language referencing "school district" with new preferred governance structures - i.e., Supervisory Unions or Supervisory Districts

Commented [8]:
Is the necessary or redundant from a legal standpoint?

2111 ADOPTION OF PERFORMANCE CONTENT AREA STANDARDS

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

Commented [9]:
Is pre-K within the statutory authority? 16 VSA 164(9) does not reference "pre-k".

2112 EDUCATION QUALITY STANDARDS

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

165(a)(2). Pursuant to 16 VSA Section 906, Sections 2114, 2120.1 and 2120.5 shall apply equally to public schools and independent schools.

4

2113 FEDERAL AND STATE ENTITLEMENTS; NONDISCRIMINATION

Commented [10]:
Are there other sections of EQS that, by statute or in alignment with Act 1, currently or will, effective 7/1/2023, apply to independent schools?

Commented [11]:
Is this section consistent or in conflict with 2200 rules/requirements for independent schools?

4

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

5

Commented [12]:
Should this be revised to just SU/SD?

No Vermont student shall be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity as the result of, or based upon, the student's race, gender, color, creed, national origin, marital status, sexual orientation, gender identity or disability, or any other reason set forth in state or federal non-discrimination requirements.

Commented [13]:
Do we need this qualifier? If this is related to federal and state requirements, wouldn't be ANY student?

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

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

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

2114 DEFINITIONS

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

1. "Academic record" may include standardized test scores, dates of attendance, alternate graduation plan, Individualized Education Plan (IEP), 504 Plan, Personalized Learning Plan (PLP), rank in class, awards, activities, clubs, and other information not included in a student's transcript, as locally determined. The "Academic Record" shall not include school records, documents, notes, or descriptions of a student's disciplinary history with school staff or other students. An academic record is not the same as a student's education record, as referenced in the federal Family Educational Rights and Privacy Act (FERPA).
2. "Anti-discrimination" means actions, behaviors, programs and policies by school staff, students, school boards, contractors, and community members involved in the daily operations of schools that are necessary to counter discrimination as defined in this Manual, and that promote a fair, just and equitable learning environment for all students.

Commented [14]:
Question: If it is a "may" not shall, who makes this decision. Observation: "May" is not new language. So, is the intent here to note what should not be included since it is problematic.

Commented [15]:
AOE response (11/16/22):
AOE recommendation includes the original language in this EQS section. Because we offered suggested technical corrections, we did not recommend anything that would result in a significant change to required practice or policy. The SBE, of course can decide that they would like to systematic the contents of an academic record by adopting the "shall" language.

Commented [16]:
UNRESOLVED (MAY VS. SHALL)

3. ~~2-~~ "Applied learning" means the presentation of subject matter in a way that integrates a particular academic discipline (such as mathematics, science, or English) with life experiences both in school and out of school and with personal workforce applications. Applications to life experiences should include the perspectives of ethnic, racial, linguistic, and social groups and neurodivergent cultures.

4. ~~3-~~ "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.

5. ~~4-~~ "Career Technical Education" (CTE) means an educational program that supports attainment of a high school diploma, designed to provide students with technical knowledge, skills, and aptitudes to prepare them for further education, enhance their employment options or lead to a postsecondary or industry-recognized credential, and strengthen their ability to work collaboratively in their chosen occupations or careers with all persons.

6. "Caste" refers to hierarchical social systems of exclusion and dehumanization based on invented notions of purity and contamination. Those who suffer the stigma of caste are often deprived of or severely restricted in the enjoyment of their civil, political, economic, social, and cultural rights.

7. "Civic and community engagement" means individual and/or collective actions that identify and address issues of public importance, and that provide young 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, and social justice movements.

8. "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.

9. "College and Career Readiness" means a student possesses the knowledge, learning strategies, and foundational skills to enter the workforce, to pursue postsecondary education or training, and to adapt successfully to employment and academic or training environments that are socially and culturally inclusive.

10. "Culturally and Linguistically Diverse Students" are those who are members of home, cultural and social environments where languages other than English are spoken and 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.

11. "Culturally responsive teaching" is an evidence-based approach that incorporates knowledge of diverse cultures, languages, and perspectives into learning activities and curriculum design, including connecting students' life experiences and ways of learning, that helps students to both access rigorous curriculum and to develop higher-order thinking skills.

12. "Culture" means a set of distinctive spiritual, material, religious, intellectual, creative, and emotional attributes of a society or social group, and encompasses, in addition to art and literature, lifestyles, ways of living together, values, traditions, and beliefs.

Commented [17]:
Modern usage and phrasing; included acronym which is typical reference.

Commented [18]:
Accept

Commented [19]:
Suggested edits modernize the definition.

Commented [20]:
Language change, accepted (2/3/22)

Commented [21]:
Global change. Decision to universally use "evidence based" as opposed to "research based" (Evidence-based is consistent with federal law)

Commented [22]:
Language change to ensure statement is part of definition. Accepted 2/3

13. "Discrimination" means any distinction, exclusion, classification, restriction or preference based on any ground, such as race, ethnicity, skin color, sex, sexual orientation, gender identification, language, religion, political or other opinion, disability, national, social or geographic origin, citizenship or immigration status, income or property, birth or other status, which has the purpose or effect of denying or impairing the recognition, enjoyment or exercise of fundamental rights and freedoms in the political, economic, social, cultural, civil or any other field. Discrimination is practiced by individuals and groups, and it is expressed systemically through the structures, laws, practices, and policies of public and private institutions, employers, and organizations.

14. "Education support team" (EST) means a collaborative school-level team that determines the additional short-term supports a student may need to be successful, identifies student-specific performance goals, and tracks student progress towards those goals. Ideally, the EST includes an administrator, teachers, a school psychologist, special educator, school counselor(s), parents/families, a social worker, other staff with behavioral and/or academic expertise, and students when appropriate.

15. "Educational Technology" means the technological tools, media, and instructional practices that educators use to provide students equitable access to the knowledge and skills needed to communicate, solve problems, and to access, manage, integrate, evaluate, and create information.

16. "Educator Mentoring" means the pairing of a mentor with an educator who is either new to the profession or new to the school to provide training, orientation, assistance, and support. Further, for the purposes of this rule, a "mentor" is an educator who has demonstrated high-quality instructional practice and who has been provided training in mentoring.

17. "Equity" or "Equitable" means that each student receives the resources and educational opportunities to learn and thrive in the classroom and in all aspects of learning, school life, in career and occupational training, and in 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.

18. "Ethnic Group" means a group whose members identify with each other based on certain criteria, including a common history, ancestry or culture, religion, nationality, social or geographic origin, skin color, language, and experiences of discrimination and social exclusion, persecution, or other inhuman treatment.

19. "Ethnic Studies" means interdisciplinary, age appropriate and grade-appropriate curricula and programs dedicated to the historical and contemporary study of race, ethnicity, and indigenous peoples (including the Indigenous People of Vermont, - e.g., Abenaki, Mahican, Pennacook, Pocomtuc, and others). This requires a critical examination of the experiences and perspectives of racial and ethnic groups and indigenous peoples that have suffered systemic oppression, marginalization, discrimination, persecution, and genocide within and outside the United States. "Ethnic Studies" may involve a critical examination of these experiences and perspectives through the lens of the characteristics of social identity groups.

20. "Ethnicity" means a concept that embodies a wide range of criteria used to identify ethnic groups, such as a common history, ancestry or culture, national, social or geographic origin, skin color, languages, religions, tribe or indigenous people (including the Indigenous Peoples of Vermont – e.g., the Abenaki, Mahican, Pennacook, Pocomtuc and others), or various combinations of these characteristics.

21.

Commented [23]:
Global change per AOE (child/student; children/students)

Commented [24]:
EST is mentioned, but not defined, elsewhere in document.

Commented [25]:
Assuming that this is the prevailing definition in the field and statute. Double check to make sure this is consistent with statute.

Statute does not flag which bodies are part of the team.

Question for AOE: Is this coming from their guidance?

Commented [26]:
AOE Response:
Yes, this definition aligns with recent technical assistance and guidance that AOE provided to field on ESTs.

Commented [27]:
Makes the definition consistent with use in the rule. Incorporates teachers. Accepted 2/3

Commented [28]:
Check for IP as proper noun throughout.

Commented [29]:
Committee decision to capitalize where Ethnic Group and Ethnic Studies are referenced in rule (since these are defined terms).

Commented [30]:
Committee decision to capitalize where Ethnic Group and Ethnic Studies are referenced in rule (since these are defined terms).

21. Evidence Based means practices and activities that are consistent with research on how students communicate, behave, learn, and thrive in ways that are developmentally and socially appropriate and have positive and lasting effects on their education and personal growth.

8

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

23. "Inclusive" or "Inclusion" means school-based curricula, programs, activities, resources, and policies that ensure that academic learning, co-curricular and social offerings, and all other aspects of school life are based on the values of equality, equity, social and cultural diversity, freedom and dignity, so that all students are valued as unique individuals and can achieve their full academic and social potential.

24. "Interdisciplinary" means examining and teaching a subject from multiple academic perspectives and encouraging students to engage with and to synthesize diverse perspectives and narratives, including those from their lived experiences, into a coherent understanding or analysis.

25. "Linguistic diversity" means the immense body of diverse and complex systems of communication and expression (e.g., official languages, endangered languages, indigenous and minoritized languages, dialects, and non-verbal languages and communication), the respect for and preservation of which is fundamental to students' experience and academic success; eradicating bias, racism, and discrimination; and fostering practices and systems of inclusion, equality, equity, and diversity in our schools and communities.

26. Needs-based professional learning" means staff learning based upon needs identified through an examination of student performance and organizational and instructional data, and which is aligned with the school's Continuous Improvement Plan, curriculum, and pedagogical practices.

27. "Personalized Learning Plan" means a plan developed on behalf of a student by the student, a representative of the school, and, if the student is a minor, the student's parents, or legal guardian(s), and updated at least annually. The plan shall be developmentally appropriate and consistent with a school's universally designed instruction. It shall also reflect the student's emerging abilities, aspirations, interests, and dispositions; linguistic resources and, to the extent desired and expressly requested by the student and the student's parents or legal guardian(s), the student's ethnic, cultural, or racial heritage and social group identity, and any experiences of discrimination or unfair treatment for the reasons set forth in Section 2113 and the Statement of Purpose of this Manual. Beginning no later than in the seventh grade, the plan shall define the scope and rigor of academic and experiential opportunities necessary for the student to successfully complete secondary school and attain college and career readiness.

28. "Proficiency-based learning" and "proficiency-based graduation requirements" 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 lesson, get promoted to the next grade level, or receive a diploma—clear, shared learning objectives, instruction, and common assessment tools for effective cycles of practice, feedback, assessment, and reflection with students, who are empowered by choice in their learning experiences and who are accorded multiple ways to demonstrate proficiency in knowledge and skills. In this system, "proficiencies" are SU/SD-wide learning objectives used by educators and students to drive instruction and assess growth in new learning.

Commented [31]:
Consistent with federal ESSA definition and usage. Note, if SBE agrees; will change ordering in Definitions section.

Commented [32]:
Accept. Reorder definitions. Check search and replace on 'research based'

Commented [33]:
Encompasses all age groups of learners.

Commented [34]:
Accept

Commented [35]:
Needs to be alphabetized.

Commented [36]:
Expands definition to include research on more than just learning. Accepted 2/3

Commented [37]:
Wording change for consistency. Accepted 2/3

Commented [38]:
Consistency check. Does this term need to be updated for preferred governance structures (SU/SD).

UNRESOLVED

Commented [39]:
Global change. Committee decision to replace references to school district with preferred governance structure (SU/SD)

29. "Proficiency-based graduation requirements" refer to the locally determined requirements all students must demonstrate significant evidence of learning to graduate.

30. "Race" means any invented or socially constructed concept that is used to categorize groups and cultures on the basis of physical differences transmitted through descent, like skin color.

31. "Racial discrimination" means any distinction, exclusion, restriction, or preference based on race, ethnicity, skin color, descent, or national origin, and which has the purpose or effect of denying or obstructing the recognition, benefit or exercise of fundamental rights and freedoms in the political, economic, social, cultural or any other field of public life.

32. "Racism" means the theory, belief, or act of making value judgements that are based on racial, ethnic, or cultural differences, or which advances the claim that racial, ethnic, or cultural groups are inherently superior or inferior, thus explicitly arguing or implying that some groups are entitled to dominate, exploit, exclude, or eliminate others presumed to be inferior. Racism is practiced by individuals and groups, and it is expressed systematically through the structures, laws, regulations, practices and policies of public and private institutions, employers, and organizations.

33. "Restorative Justice" or "Restorative Practices" refer to whole-school, relational approaches to building school climate and addressing student behavior that fosters belonging over exclusion, social engagement over control, and meaningful accountability over punishment. It encourages members of the school community to be constantly present, attending to needs as they arise. It exercises their ability to be dynamic rather than static in their responses. Restorative approaches also begin with proactive structures to build positive relationships and communication and create a space for people to express themselves—their strengths, assets, responsibilities, and also their vulnerability. Restorative Justice processes and programs shall not remove from a SU/SD or lessen to any degree its mandatory responsibility under Vermont law and policy to investigate, call out, name, and discipline behaviors that violate the Vermont Agency of Education's "Policy for the Prevention of Harassment, Hazing and Bullying" (HHB) and Federal Title IX.

34. "School" means an organizational structure designed to facilitate student learning. This could include an individual school or a combination of schools with one administration, inclusive of outdoor recreation areas, paths, and facilities, and either of which could include learning opportunities both within and outside of school buildings and school day. It also includes career technical centers, as specified in Title 16 (Flexible Pathways subsection), and virtual learning experiences and opportunities that are offered by the school and/or SU/SD. Where the context suggests that a "school" take some action, the action shall be taken by the superintendent or such school officials as are designated by the superintendent, unless otherwise specified herein or elsewhere in law or regulation.

35. "Secretary" means the Secretary of Education or their designee.

36. "Social Identity Group" means 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 or conditions that are innate, unchangeable, or fundamental to identity.

37. "Superintendent" means the superintendent of schools or the person or persons assigned the duties of a superintendent pursuant to 16 V.S.A. §242.

38. "Supervisory union/Supervisory District (SU/SD)" means an administrative, planning, and educational service unit created by the State Board of Education. A Supervisory Union (SU) consists of two or more school district,

Commented [40]:
Edits for clarity and ease of interpretation.

Commented [41]:
Accept

Commented [42]:
Language change to make clearer the circumstances or actions that involve racism. 2/3 accepted

Commented [43]:
Global change. Committee decision to replace references to school district with preferred governance structure (SU/SD)

Commented [44]:
Statute references "career technical centers" (Sect 1551)

Commented [45]:
Subcommittee discussed removing reference to Title 16 in this definition.

Commented [46]:
UNRESOLVED. DO WE REMOVE THIS PHRASE?

Commented [47]:
Global change. Committee decision to replace references to school district with preferred governance structure (SU/SD)

Commented [48]:
Language change. Drop buildings to be inclusive of virtual school environments. Accepted 2/3

and/or supervisory districts. A Supervisory District (SD) consists of only one school district and may be a unified union school district, inclusive of multiple towns.

10

39. "Technology Integration" means the infusion of technology into the curriculum as a tool to enhance learning in a content area or multidisciplinary setting, enabling students to select technology tools to help them obtain information in a timely manner, analyze and synthesize the information, and present it professionally in culturally and linguistically appropriate ways.

40. "Transcript" means a formal document certifying and documenting a student's or former student's achievement of state standards and at minimum includes the student's name, date of birth, last known address, years of attendance, courses taken, grades or proficiencies achieved, out-of-school learning opportunities if applicable, and diploma or certificate of completion awarded.

41. "Transferable skills" refers to ~~a broad set of knowledge~~ lifelong learning skills such as, but including but not limited to, creativity, communication, collaboration, critical thinking, innovation, inquiry, problem-solving, the use of technology, and intercultural competency. Transferable skills are interdisciplinary skills that are vitally important for students' personal agency and contributions as members of a diverse and democratic society, work habits, and character traits that are believed to be critically important to success in today's world, particularly in ~~collegiate programs and modern careers.~~

42. "Universally Designed Instruction" is an educational framework based on research in the learning sciences, including cognitive neuroscience, that guides the development of flexible learning activities and environments that can accommodate individual learning differences. This framework incorporates the principles and practices of "Universal Design for Learning," which teachers utilize to develop instructional strategies to meet the diverse needs of all learners, specifically, but not limited to: multiple means of representation to give learners various ways of acquiring information and knowledge, multiple means of expression to provide learners alternatives for demonstrating what they know, and multiple means of engagement to tap into learners' interests, challenge them appropriately, and motivate them to learn

Commented [49]:

Changed to be consistent with statute. Accepted 2/3

Commented [50]:

Updated list to reflect current thinking and practice.

Commented [51]:

Accept

41. ~~“Universally Designed Instruction” is an educational framework based on research in the learning sciences, including cognitive neuroscience, that guides the development of flexible learning activities and environments that can accommodate individual learning differences. This framework incorporates the principles and practices of “Universal Design for Learning,” which teachers utilize to develop instructional strategies to meet the diverse needs of all learners, specifically, but not limited to: multiple means of representation to give learners various ways of acquiring information and knowledge; multiple means of expression to provide learners alternatives for demonstrating what they know, and multiple means of engagement to tap into learners’ interests, challenge them appropriately, and motivate them to learn~~

2120 CURRICULUM INSTRUCTION

2120.1 Instructional Strategies

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

Educators shall be supported in:

- a) examining their own identities and biases and fostering a learning environment that emphasizes multiple ethnic, cultural and racial perspectives; presents and critiques historical counter-narratives; and encourages students to examine issues and expressions of social equity within and beyond the classroom or school;
- b) modeling and setting high expectations for all learners- regardless of prior academic experience, family background, socio-economic status - or (dis)abilities and promoting respect for student differences;
- c) recognizing the essential role that language acquisition and literacy play in the lives of students, not only in respect to reading, writing, listening and speaking, but as home and community practices that shape a culturally responsive understanding of students’ social, racial, linguistic, and ethnic identities, of their communities, and of their world;
- d) communicating in linguistically and culturally responsive ways;
- e) providing learning experiences that are designed for neurodiversity with multiple ways for students to access learning;
- f) using educational and assistive technology to reduce barriers to learning and heighten student engagement;
- g) cultivating learner agency by providing multiple ways for students to engage with and demonstrate their new learning;
- h) emphasizing an inquiry-driven approach to all units of study and ¹¹bring real-world issues into the classroom;

Commented [52]:
Consistent with ESSA federal language field is already familiar with.

Commented [53]:
Accept

- i) heightening the salience of learning objectives and providing mastery-oriented feedback;
- j) employing the use of data to adapt pedagogy to unique student needs and incorporate student feedback into instructional design and curricula;
- k) teaching students how to develop metacognitive and social emotional skills that improve their academic outcomes;
- l) designing learning experiences that improve students' wellbeing, including opportunities for physical movement in the classroom; and
- m) fostering classroom culture based on the tenets of restorative justice practices: relationships, respect, responsibility, repair, and reintegration.

Commented [54]:
Recommendation from Jeff Fannon, NEA, to simplify the language in l & j.

Commented [55]:
UNRESOLVED

2120.2 Flexible Pathways

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

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

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

- a) integrate understanding and respect for the diversity of cultural, racial, ethnic, linguistic, and social identities and experiences that shape and impact learners' lives and integrate that understanding into the SU/SD's planning and procedures related to flexible pathways;
- b) recognize and reduce social and economic barriers to accessing flexible pathways;
- c) recognize the lived experience of students who are neurodiverse and/or have disabilities;
- d) offer resources and learning opportunities that incorporate the civil and individual rights and importance of inclusion of people with disabilities in society. offer resources and learning opportunities that provide experiences that give exposure disability related issues;
- e) communicate to students and parents/legal guardians on how they can learn about, access and benefit from flexible pathways through different means and in easy-to-understand language that is linguistically appropriate and culturally responsive, including in their home languages and in accessible formats;

Commented [56]:
Dropped "as students" so as not to limit. Accepted 2/3

Commented [57]:
Global change. Committee decision to replace references to school district with preferred governance structure (SU/SD)

Commented [58]:
Act 1 suggested language ("We discussed the matter above with trusted sources and advocates in the disability community, and they recommended the following language substitution:")

Commented [59]:
Placeholder action language. Centering may not be commonly understood. We need clarification by Act 1.
UNRESOLVED

- 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

- h) adults, including artists and culture bearers, who represent a range of cultural, ethnic, racial, linguistic, and social diversity.

14

2120.3. Career Technical Education

Schools serving grades 9-12 shall coordinate with their designated career technical education center to ensure genuine access and support for all eligible students as required in 16

V.S.A. §154.1a. Any eligibility requirements for a given CTE program need to be equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive (e.g., communicated in language that is accessible by the learner) and clear and accessible to staff, students, and parents/legal guardians.

Schools shall ensure that students receive appropriate career counseling and program information regarding the availability of education and apprenticeship program offerings at career technical centers. Demonstrations of learning such as credits or grades earned in an approved career technical education course or program are subject to the requirements of 16 V.S.A. §154.5.

2120.4. Personalized Learning Plans

As required in 16 V.S.A. §94.1, schools shall ensure all students in grades seven through 12 shall have a Personalized Learning Plan, which shall be a written document developed by and for the student, with a representative of the school and, if the student is a minor, the student's parent, or legal guardian. The Personalized Learning Plan shall describe the scope and rigor of learning opportunities and supports necessary for the students to develop aspirations, achieve college and career readiness prior to graduation, and attain a high school diploma, and participate confidently as youth and adults in the civic, cultural, and social life of their school system, community, state and nation. This plan must be reviewed at least annually.

2120.5. Curriculum Content

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

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

- a) literacy (including critical thinking, language, reading, spelling, comprehension, speaking and listening, and writing); demonstrating proficiency in literacy includes the ability to engage with language to acquire,

Commented [60]:
Revised per committee edits. Accepted

Commented [61]:
Act 1 recommended changes in response to AOE technical corrections.
Accepted 1/19/23

Commented [62]:
Reference to support services connotes IEP or 504 plan; supports should be documented in a separate file. Can reference IEP or 504 plan in PLP.

Commented [63]:
AcceptRationale: PLPs are public in nature. It is not necessarily appropriate to reference an IEP in a public document. Support services are protected in the confidential document of the IEP or 504 plan.

Act 1 group notes that there may be a need for other supports - not specific to an IEP or 504 - to enable and empower students to fully engage in their PLPs. There was no disagreement about the need to be careful not to invoke the IEP/504 in the PLP, but instead there still need other supports to equitably access PLP opportunities.

Act 1 group will discuss and provide suggestions for amended language.

Commented [64]:
Revised per committee edits. Accepted

construct and communicate meaning, and to shape meaning to identity in all 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)

b) mathematical content and practices (including numbers, operations, and the concepts of algebra and geometry) by the end of grade 10;

c) scientific practices, cross-scientific inquiry, and content knowledge that includes the concepts of life sciences, physical sciences, earth and space sciences, and engineering and technology (design);

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

e) physical education and health education as defined in 16 V.S.A. §131, Schools shall:

I. Provide students in grades K-8 with at least two physical education classes per week and students in grades 9-12 with one and one-half years of physical education or the equivalent thereof.

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

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

f) artistic expression (including visual, media and performing arts); and

g) transferable skills (including communication, collaboration, creativity, innovation, inquiry, problem solving, critical thinking, and the use of technology).

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.

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

Commented [65]:
Updates to reflect current practice and focus (e.g., NG Science standards)

Commented [66]:
Accept. Assuming in line with NGSS.
References the inclusion of computer science without the mandate.

Commented [67]:
We have asked for legal opinion on whether this should be PK12 or K12 - at AOE's suggestion.

Commented [68]:
UNRESOLVED

2120.6. Curriculum Coordination

17

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

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

Each school with a pre-kindergarten early education program must offer high-quality programs as outlined in State Board Rule 2600 and consistent with the charge of Act 1 (2019).

- a) Each local school board shall ensure the alignment of existing school policies and create new policies as needed to accomplish the following:
- b) promote research, coordination and professional learning that leads to the development of age-appropriate and grade-appropriate programming and resources in Ethnic Studies that are integrated into all Curriculum Content areas in Section 2120.5 of this Manual and that are responsive to the developmental needs of all students, Pre-Kindergarten through Grade 12; and
- c) create systems for regularly, systematically, and continuously evaluating a SU/SD's performance in attaining the above goals.

Commented [69]:
Is pre-K appropriate here? (It doesn't appear to be new language.)

Commented [70]:
pre-K? or K? (consistent with legislative authority)

When undertaking this policy work, school boards and school leadership shall engage with the communities they serve and seek input and guidance through a process that includes the diverse voices and experiences of students, parents/legal guardians and other community members who are often underrepresented in this work and in school decision-making.

2120.7. Graduation Requirements

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

17

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 nondisabled peers~~ in an accommodated and/or modified manner. These modifications will be documented in each student's Personalized Learning Plan.

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

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

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

2120.8. Local Graduation Requirements

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

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

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

2121 PROFESSIONAL RESOURCES

2121.1. School Leadership

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

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

Commented [71]:
Global change. Committee decision to replace references to school district with preferred governance structure (SU/SD)

Commented [72]:
Do EL supports go in the PLP? Ask FESP? Federal regs?

Commented [73]:
AOE recommends a consistency check here with federal regulations.

Request for additional clarification from AOE on this item and their potential concerns re: inconsistency with other federal statute/regulations.

Commented [74]:
AOE Updated response (11/17/22):

AOE states that PLPs are consistent with other federal statute and regulations.

Commented [75]:
Note below. Where there is the unique situation where there is no superintendent - do the responsibilities fall under "their designee?"

Commented [76]:
AOE Response (11/17/22):

This depends on the type of governance structure deployed at each CTE center. For those centers that are housed at a host high school, the CTE director is an employee of the district and therefore supervised by the superintendent. For the independent CTE centers, the CTE director is a superintendent, so this would not apply. For the two private schools that offer CTE on behalf of the state, we'd presume the CTE program director is employed/supervised under the authority of the headmaster.

Commented [77]:
UNRESOLVED. ARE THERE CHANGES THAT NEED TO BE MADE HERE WITH RESPECT TO REFERENCE TO CTE DIRECTORS ?

Commented [78]:
Accept

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

Commented [79]:
Question for AOE - How does this work for St. Johnsbury and Hanford CTEs? (And any other example that is inconsistent with superintendent responsibilities).

We want to make sure that in adding this language we are consistent with statute.

Commented [80]:
UNRESOLVED. SEE NOTE ABOVE.

Commented [81]:
Accept.

2121.2. Staff

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

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

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

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

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

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

2121.3. Needs Based Professional Learning

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

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

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

- a) For the purposes of this section, "staff" includes administrators, educators, and other school employees working with students. Staff evaluation programs and policies shall be designed and implemented with the goal of improved student outcomes and learning experiences. Such programs and ²⁰policies shall:
- b) be consistent with the provisions of state and federal law and the Vermont Guidelines of Teacher and

Commented [82]:
Global change. Committee decision to replace references to school district with preferred governance structure (SU/SD)

- Leader Effectiveness adopted by the State Board of Education;
- c) include multiple sources of evidence to inform and measure teacher performance;
- d) address the professional learning needs of all staff, including administrators;
- e) address the needs of teachers who are new to the profession, the assignment or the school; and
- f) provide supports to improve instructional practice, content knowledge, working relationships (with colleagues, parents/legal guardians and community members), and other areas as appropriate.

2121.5. Tiered System of Support

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

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

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

Commented [83]:
Clarifies distinction between PLP, IEP, and 504 plan, including what must be in an IEP/504 (federal regs) and should not be in a PLP.

Commented [84]:
Accept.

Commented [85]:
Recommended by Act 1 group in response to AOE comment.

Commented [86]:
pk-12 or k-12 - consistent with statute?

Commented [87]:
Global change. Committee decision to replace references to school district with preferred governance structure (SU/SD)

Commented [88]:
From AOE. Act 1 group concurred.

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

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

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

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

2121.6. Interagency Teams

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

2122 LEARNING ENVIRONMENT

2122.1. School Facilities and the Learning Environment

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

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

Each school's comprehensive plan for responding to student misbehavior, as required by 16

V.S.A. §1161a(a), shall address student behavior, language, classroom attendance, clothing, and treatment of property, as well as consequences for violations of policy, and shall be clear and consistently enforced.

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

2122.2. Access to Instructional Materials

Each school shall:

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

- k)
- 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 are entitled to appropriate assistance by providing language interpreters, services, and technology to participate equitably in all instructional and co-curricular programs.

Commented [89]:
consult?

Commented [90]:
Falls under our question above re: consistency with other statute. (See notes above)

2123 STATE AND LOCAL COMPREHENSIVE ASSESSMENT SYSTEM

2123.1. Participation in the State Comprehensive Assessment System.

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

2123.2. Development and Implementation of Local Comprehensive Assessment System.

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

- a) assesses the standards approved by the State Board of Education;
- b) employs a balance of assessment types, including but not limited to, teacher-or student- designed assessments, portfolios, performances, exhibitions, 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, and the social-emotional wellbeing of students, the existence and severity of opportunity and achievement gaps or deficiencies, and the state of progress on local, state and national directives intended to advance social and academic equity initiatives;

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

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

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

2124 REPORTING OF RESULTS.

Each SU/SD shall report student and system performance results to the community at least annually in formats selected by the school board. SU/SDs shall at minimum report on indicators provided by the Vermont Agency of Education, those identified in 16 VSA Section 165(a), and other locally determined indicators, including, but not be limited to, indicators that describe students':

- a) Academic performance using data from the most recent state and local assessments and other information related to student academic performance that describe student progress toward meeting academic standards;
- b) Graduation, dropout, retention and school attendance rates;
- c) Enrollment in and completion of in flexible pathways, including career and technical education, virtual learning, work-based learning, service learning and internships, community research and civic and community engagement, dual enrollment, and early college;
- d) Social and emotional well-being;
- e) Discipline, including suspensions and detention actions; and
- f) Referrals to and participation in programs for students with disabilities, including Section 504 and special education as defined by federal and state law; and
- g) Participation in school programs, including enrollment and successful completion of flexible pathways, career training opportunities, advanced placement courses, and extracurricular activities.

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;](#)
- c. [as having a disability, inclusive of students with Section 504 plans and students with individualized education programs \(IEPs\), separately and in total; and](#)
- d. [with limited English proficiency, including immigrant children and youth.](#)

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

[The SU/SD’s performance criteria shall be clear and be communicated to administrators, educators, and other building staff.](#)

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

[2125 Continuous Improvement Plan](#)

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

[The Plan shall be developed with the involvement of board members, students, teachers, administrators, families, and other community members. If an SU/SD comprises more than one school building, a combined plan for some or all the buildings may be developed; however, the Plan should reflect the different needs of individual schools. The Plan shall be reviewed at least annually for effectiveness toward meeting the stated goals and shall be revised as necessary.](#)

[The Plan shall include indicators provided by the Vermont Agency of Education, including those identified in 16 VSA Section 165\(a\) and additional indicators determined locally, including but not limited to indicators reported pursuant to Section 2124 of this rule. The Plan shall report student level indicators aggregated for the SU/SD and disaggregated according to school and student subgroups as identified by Section 2124 of this rule. In no case shall a SU/SD reveal personally identifiable information about an individual student or violate the State’s minimum group size for reporting.](#)

[The Plan shall also report on and consider findings from the SU/SD’s self-evaluation conducted in accordance with Rule //INSERT DQS REFERENCE HERE and at a minimum contain:](#)

- a) [goals and objectives for improved student learning;](#)
- b) [educational strategies and activities specifically designed to achieve these goals, including professional learning of administrative and instructional staff;](#)

Commented [91]:
Where we use “families” also include reference to “legal guardians”

We want to look at the instances where we use families and make sure that is what we mean (i.e., are we inviting the entire family into the conversation).

Commented [92]:
UNRESOLVED. NEEDS CONSISTENCY CHECK THROUGHOUT.

- c) strategies and support systems to ensure the school maintains a learning and social environment that is safe, orderly, civil, and positive and equitable, anti-racist, culturally responsive, anti-discriminatory, inclusive and free from harassment, hazing and bullying; and
- d) required technical assistance from the Vermont Agency of Education as appropriate or determined by law.

A SU/SD's school board shall approve the Plan at least annually.

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).

The performance criteria of the school shall be clear and be communicated to administrators, educators, and other building staff.

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

Administrators shall have access to individual student data and on student and system performance results.

For aggregate school data, in no case shall personally identifiable information on any student be revealed.

2125. CONTINUOUS IMPROVEMENT PLAN

A Continuous Improvement Plan, as required in 16 V.S.A. §165, shall be developed and implemented in each SU/SD. The plan shall be designed to improve the performance of all students enrolled in the SU/SD. If an SU/SD 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 the overall planning and implementation document for the school, incorporating other planning requirements (either from the state, the federal government, local requirements, or external grant requirements) into a single planning document.

The plan shall be developed with the involvement of board members, students, teachers, administrators, 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 Vermont Agency of Education as well as additional indicators determined locally. These indicators will identify student performance data obtained from state and local assessments and other information related to student performance and social and emotional wellbeing, and which may include, but is not limited to, dropout and retention rates, attendance, course enrollment patterns and graduation rates, and demographic data or other documented evidence of bias or discriminatory treatment as a result of, or based upon, the reasons set forth in Section 2113 and the Statement of Purpose of this Manual.

Indicators may also include data on school practices and leadership and data on disproportional student representation in school programs, which include but are not necessarily limited to, special education referrals, discipline, suspension and detention actions, enrollment in and successful completion of flexible pathways, career training opportunities, advanced placement courses, and athletic and extra-curricular participation.

The school board shall approve the plan, which at minimum shall contain:

- goals and objectives for improved student learning;
- educational strategies and activities specifically designed to achieve these goals, including professional learning of administrative and instructional staff;

Commented [93]:
The subcommittee will need to consider the content of this section for alignment with the new DQS and QA.

Commented [94]:
UNRESOLVED

Commented [95]:
Insert reference to SU/SD. Also go through the document to update references to supervisory union/supervisory district as appropriate (dropping reference to public school district)

In doing so, we need to attend to where duties fall to supervisory unions or districts, differently (e.g., special education). This may generate questions that go back to AOE.

Commented [96]:
Global change, replacing district with SU/SD

Commented [97]:
Where we use "families" also include reference to "legal guardians"

We want to look at the instances where we use families and make sure that is what we mean (i.e., are we inviting the entire family into the conversation).

Commented [98]:
UNRESOLVED. NEEDS CONSISTENCY CHECK THROUGHOUT.

Commented [99]:
WHAT DOES are already require? Why change to sell? Does it correspond with regulation?

~~strategies and support systems to ensure the school maintains a learning and social environment that is safe, orderly, civil, and positive, culturally responsive, anti-racist, inclusive, and anti-discriminatory, and free from harassment, hazing and bullying; and required technical assistance from the Vermont Agency of Education as appropriate or determined by law.~~

2126 SYSTEM FOR DETERMINING COMPLIANCE WITH EDUCATION QUALITY STANDARDS

2126.1 Filing of Continuous Improvement Plan

On a two-year cycle published by the Agency, each SU/SD is required to file a copy of the system's Continuous Improvement Plan for the current school year. In addition, each school identified for extensive supports is required to submit annually a school-level Continuous Improvement Plan.

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

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

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

- a) 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.
- b) 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.
- c) 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 that shall include a culturally and socially diverse group of parents/legal guardians, community members, home-school liaisons, and students. The review will be based on the requirements of this rule to ensure academic and social equity, enforcement of protections against discrimination as a result of, or on the basis of, the reasons set forth in Section 2113 and the Statement of Purpose of this Manual and improved academic and social outcomes for students.

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

As required in 16 V.S.A. §165 (b), every two years the Secretary shall determine whether students in each Vermont public school are provided educational opportunities substantially equal to those provided in other public schools.

Commented [100]:
Align with required process/state plan under ESSA.

Commented [101]:
Accept

Commented [102]:
His section requires further alignment with DQS and QA rules proposed by AOE

If the Secretary determines that a school is not meeting the quality standards, he or she shall recommend actions that a SU/SD 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 if the State Board finds an independent school not meeting the standards or failing to make progress towards meeting the standards.

Commented [103]:
Global change. References to "districts" are replaced with references to new preferred governance structures (SU/SD)

Commented [104]:
Are these sections still necessary with the reference to DQS/QA?

2127 VARIANCE AND WAIVER.

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

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

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

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

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

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

2128 EFFECTIVE DATE

These rules, except as otherwise specified herein, shall become effective on 15 days after adoption is complete, in accordance with 3 V.S.A. §845(d).

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

HISTORY: STATUTORY AUTHORITY: 16 V.S.A. §§ 164 and 165

EFFECTIVE DATE: September, 1984

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

Commented [105]:
To be updated for effective date and implementation/transition plan (align with DQS/QA).

