

In reviewing materials in response to the questions raised at the State Board Special Meeting, 5/11/23, we looked to Act 1 of 2019, and found references in other areas of statute, as well. We're providing the link to Act 1 here and offer citations in response to each question raised. As you review the responses below, please note that the language that is highlighted in yellow is the same highlighted language that was considered by the full Board at its Special Meeting last Thursday. The EQS Committee met on Monday, May 15th, to consider comments and suggestions received at the Special Meeting and to propose recommended changes to the rules. Updated language based upon the Committee's May 15th meeting is noted in blue highlight.

<https://legislature.vermont.gov/Documents/2020/Docs/ACTS/ACT001/ACT001%20As%20Enacted.pdf>

1. In the definition of "Civic and community engagement", we have included "community service" in response to Lyle's question.

8. "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, community service and social justice movements.

2. With respect to restorative practices, the following appears in Act 1 of 2019 (pgs. 8 & 9):

(3) The Working Group shall include in its report to the General Assembly under subdivisions (h)(2) and (3) of this section any statute, State Board rule, or school district or supervisory union policy that it has identified as needing review or amendment in order to:

(C) challenge racist, sexist, or ableist bias, or bias based on gender or socioeconomic status, **using principles aligned with restorative practice;**

... (E) establish disciplinary responses to racial or ethnic and social group incidents that include the **utilization of restorative practices where appropriate;** and

With that in mind, the EQS Committee recommends the following two changes. First, we recommend changing the definition section as follows:

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36. “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.

Second, we recommend amending 2120.1(m) to read as follows: 2120.1 m) fostering a positive classroom culture based on the tenets of using restorative justice practices where appropriate: relationships, respect, responsibility, repair, and reintegration.

3. With regard to the suggestion to include ethnic and social equity studies in Section 2120.5, the Committee reviewed the language of Act 1 and suggest language adding the following new subparagraph:

2120.5 h) ethnic and social equity studies

4. With regard to the suggestion of adding a complaint process, we first consulted the reporting requirements as currently referenced in statute (from Act 1 of 2019):

(2) The Working Group may review State statutes, State Board rules, and school district and supervisory union policies that concern or impact standards for student performance or curriculum used in schools. The State Board may recommend to the General Assembly proposed statutory changes with the following goals:

*(B) ensuring engagement opportunities that provide families a **welcoming means of raising any concern about their child’s experience as it bears on race or ethnic or social group identity at school.***

With this in mind, we recommend the following language and placement changes to more clearly articulate school board responsibilities for developing, approving, and adhering to a complaint process for their schools.

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- move the final paragraph from *Section 2120.6 Curriculum Coordination* to *2121.1 School Leadership* to better delineate school board leadership responsibilities and include additional language that sets expectations for a complaint process. The EQS Committee believes doing this will allow for a process that will strike a balance between specificity and implementability in local context, while requiring accountability to the compliance with EQS aligned with language from Act 1, and thus a link to statutory authority and legislative intent. Language will read as follows:

2120.6 Curriculum Coordination

.....

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

a) promote research, coordination and professional learning that leads to the development of age-appropriate and grade-appropriate programming and resources in Ethnic Studies that are integrated into all Curriculum Content areas in Section 2120.5 of this Manual and that are responsive to the developmental needs of all students, pre-kindergarten through grade 12; and

b) create systems for regularly, systematically, and continuously evaluating a SU/SD's performance in attaining the above goals.

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.

2121.1 School Leadership

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

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

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

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

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

- 2125 Continuous Improvement Plan the last sentence should read as follows:
 - An SU/SD's school board shall approve the Plan annually. and establish a process for receiving and responding to written public feedback.
- 2126.1 Filing of Continuous Improvement Plan should read as follows:
 - Pursuant to 16 V.S.A. § 165(a)(1) ~~On a two-year cycle published by the Agency, each school~~SU/SD is required to file a copy of the **its school or schools** Continuous Improvement Plan for the current school year, **along with its responses to written feedback and complaints**, pursuant to Section 2121.1 of this rule. ~~In addition, each school identified for extensive supports is required to submit annually a school-level Continuous Improvement Plan.~~
- 2126.2 Review, Secretary's Recommendations, and State Board Action.
 - The review will be based on the requirements of this rule and consideration may include, but is not limited to:....
 - c. written feedback and complaints that are submitted and SU/SD responses pursuant to Sections ~~2125~~ 2121.1 and 2126.1 of this rule and related to whether a school meets the Education Quality Standards.

5. Finally, the EQS Committee recommends adding new language requiring SU/SDs to report incidents of hazing, harassment and bullying. In reaching this recommendation, the Committee first considered the language of 16 VSA 164(17), which provides as follows:

~~6.~~ From Act 1 of 2019, with respect to reporting 2124....

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Sec. 2. 16 V.S.A. § 164 is amended to read:

§ 164. STATE BOARD; GENERAL POWERS AND DUTIES

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The State Board shall evaluate education policy proposals, including timely evaluation of policies presented by the Governor and Secretary; engage local school board members and the broader education community; and establish and advance education policy for the State of Vermont. In addition to other specified duties, the Board shall:

* * *

(17) Report annually on the condition of education statewide and on a ~~school-by-school~~ supervisory union and school district basis. The report shall include information on attainment of standards for student performance adopted under subdivision (9) of this section, **number and types of complaints of hazing, harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title and responses to the complaints**, financial resources and expenditures, and community social indicators. **The report shall be organized and presented in a way that is easily understandable by the general public and that enables each school, school district, and supervisory union to determine its strengths and weaknesses. To the extent consistent with State and federal privacy laws and regulations, data on hazing, harassment, or bullying incidents shall be disaggregated by incident type, including disaggregation by ethnic groups, racial groups, religious groups, gender, sexual orientation, gender identity, disability status, and English language learner status. The Secretary shall use the information in the report to determine whether students in each school, school district, and supervisory union are provided educational opportunities substantially equal to those provided in other schools, school districts, and supervisory unions pursuant to subsection 165(b) of this title.**

Thus, the Committee recommends adding a new subparagraph (f) to Rule 2124.1 as follows:

2124.1 Minimum Reporting Requirements

f) incidents of hazing, harassment and bullying as required in 16 V.S.A. § 164

(17)

This recommended addition of new subparagraph (f) to Rule 2124.1 would result in shifting current subparagraphs (f) and (g) down one letter.