

**AGENCY OF EDUCATION**

**Barre, Vermont**

**TEAM:** Legal

**ACTION ITEM:** Will the State Board of Education approve a waiver requested by Addison Northwest Supervisory District (ANWSD) on behalf of Vergennes Union High School from the minimum number of student attendance days proscribed by 16 V.S.A § 1071?

**SECRETARY'S RECOMMENDED ACTION:**

That the State Board of Education vote to deny ANWSD's request for a waiver from the minimum student attendance days at Vergennes Union High School.

**STATUTORY AUTHORITY:** 16 V.S.A. § 1071

**BACKGROUND INFORMATION:**

State statute and Board Rules require each public school to operate for at least 175 days of student attendance. 16 V.S.A. § 1071(a)(1); SBE Rule 2311. Within that minimum, superintendents establish a uniform calendar that includes school attendance days, periods of vacation, holidays and teacher in-service days. Rule 2311.4 provides that school districts shall include no fewer than five contingency days as annual school calendars are developed and adopted. Rule 2311.1 provides that days lost because a school is closed for emergency reasons prior to February 1 of any year shall be rescheduled and made up during that school year when such closing will result in a schedule of less than 175 pupil days of attendance days for the year. The waiver request arises from the closure of Vergennes Union High School on October 17, 2018.

Because the unanticipated closing occurred prior to February 1, the rule does not give the Board discretion to consider the district's waiver request. Additionally, §1071 requires that a waiver request be submitted within 10 days of the unanticipated closure. The district's waiver request did not comply with this requirement.

**POLICY IMPLICATIONS:** Consistency across schools with regard to attendance days.

**EDUCATION IMPLICATIONS:** Assurance of sufficient and equal days of instruction.

**FISCAL IMPLICATIONS:** The supervisory union will incur some additional cost to operate its school 1 days more than anticipated.

**STAFF AVAILABLE:** Emily Simmons, General Counsel