



1. TITLE OF RULE FILING:

**District Quality Standards**

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

23P004

3. ADOPTING AGENCY:

Agency of Education

4. PRIMARY CONTACT PERSON:

*(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).*

**Name:** Emily Simmons, General Counsel

**Agency:** Agency of Education

**Mailing Address:**

1 National Life Drive

Davis 5

Montpelier, VT 05620-2501

**Telephone:** 802-828-1518 **Fax:** 802-828-6430

**E-Mail:** Emily.Simmons@vermont.gov

**Web URL** *(WHERE THE RULE WILL BE POSTED):*

<https://education.vermont.gov/rules>

5. SECONDARY CONTACT PERSON:

*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).*

**Name:** Courtney O'Brien, Business Project Manager

**Agency:** Agency of Education

**Mailing Address:**

1 National Life Drive

Davis 5

Montpelier, VT 05620-2501

**Telephone:** 802-595-4007 **Fax:** 802-828-6430

**E-Mail:** Courtney.O'Brien@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

*(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?)* No

**IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:**

n/a

**PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:**

n/a

**7. LEGAL AUTHORITY / ENABLING LEGISLATION:**

*(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).*

16 V.S.A. § 165(g)

2022 Acts and Resolves No. 127, Sec. 14

**EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:**

The State has both a constitutional and a statutory responsibility to provide all students with substantially equal educational opportunities. Recognizing that effective, consistent operational practices are foundational to cultivating equity and quality, the 2022 Legislature directed the Agency to adopt rules establishing school district quality standards ("DQS") "regarding the business, facilities management, and governance practices of school districts." The Legislature also required development of a process to conduct DQS reviews and publication of "metrics regarding the outcomes" of the reviews.

8. In each of the three identified areas, the proposed rules identify standards based on existing statutory requirements and accepted best practices, and indicators of high quality adherence to or attainment of the DQS. The proposed rules create a multi-step process for annual self-evaluation and publication of metrics, as well as Agency oversight, identification of struggling systems, and technical support.
9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.
10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.
11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.
12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

14. **CONCISE SUMMARY (150 WORDS OR LESS):**

The proposed new rules describe core elements inherent in a high quality system of local education delivery. The rules establish standards regarding critical (i) business practices (in re: budgeting & accounting, risk management & internal controls, personnel management, and data management); (ii) facilities management and safety practices; and (iii) governance priorities, protocols, and processes.

The proposed rules describe a system of self-evaluation, publication of metrics, and Agency support and oversight for school districts/supervisory unions/supervisory districts to attain the stated standards.

The rules are written to acknowledge that although 16 V.S.A. § 165 speaks of "districts," other statutes assign responsibility for duties related to business, facilities, and governance to (i) supervisory unions to perform on behalf of their member school districts and (ii) supervisory districts (i.e., single school districts that serve as their own supervisory unions) to perform on their own behalf.

15. **EXPLANATION OF WHY THE RULE IS NECESSARY:**

The VT Constitution and 16 V.S.A. § 1 vest ultimate responsibility in the State for ensuring that all students have substantially equal access to a quality education. The State fulfills its obligation by delegating considerable authority to school districts, supervisory unions/supervisory districts, and superintendents. The State therefore has an obligation to provide public assurance that the authority it has delegated is implemented in a manner that achieves the State's responsibility.

As one way to provide such public assurance, the 2022 Legislature directed the Agency of Education to adopt rules setting forth school district quality standards "regarding the business, facilities management, and governance practices of school districts." The Legislature further required that the rules "include a

process for school district quality reviews to be conducted by the Agency" and that the Secretary publish metrics regarding the results of the reviews.

**16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:**

The Agency drafted the proposed rules in strict adherence to a legislative directive to adopt school district quality standards relating to "the business, facilities management, and governance practices of school districts."

The proposed rules identify standards that are restatements of actions that have been statutorily required or accepted best practices for many years.

The proposed rules are clear and understandable due to an intensive drafting & vetting process that included the participation of subject matter subcommittees of Agency employees, a VT School Boards Association ("VSBA") taskforce, the VT School Crisis Planning Team, the VT Association of School Business Professionals, the VT School Human Resources Professionals, the VT School Boards Insurance Trust, Trustees of the Vermont Superintendents Association ("VSA"), the VT State Board of Education ("SBE"), and a working group of SBE, VSA, VSBA, VT Principals Association, and VT-National Education Association representatives.

**17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:**

Agency of Education employees  
School Districts and their boards  
Supervisory Unions / Supervisory Districts and their boards  
Superintendents  
Business Managers and other "central office" staff  
Building-level administrators working in public schools  
Public school educators and staff  
Guardians of school-aged students, taxpayers, and community members in general  
Vermont Superintendents Association  
VT School Boards Association  
VT Principals Association  
VT-National Education Association

VT Association of School Business Professionals  
VT School Human Resources Professionals  
VT School Boards Insurance Trust  
VT School Crisis Planning Team  
VT State Board of Education

**18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):**

The proposed rules identify standards that are restatements of actions that have been required in statute or accepted best practices for many years. As a result, to the extent a school district or supervisory union/supervisory district might be required to make substantial expenditures (e.g., related to school facilities), the expenditure would be required by statute even if the proposed rules did not exist.

The Agency anticipates that the economic impact of the proposed rules themselves will be minimal. The greatest cost will likely be one related to the time it will take to train Agency employees to conduct quality assurance reviews of local systems that are struggling to meet the identified standards.

**19. A HEARING WAS HELD.**

**20. HEARING INFORMATION**

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

**Date:** 4/4/2023

**Time:** 05:00 PM

**Street Address:**

1 National Life Drive

Davis 5

Montpelier, VT

**Zip Code:** 05620

**URL for Virtual:**

Teams Meeting ID: 213 228 686 662

Passcode: iNfysr

Or call in (audio only): +1 802-828-7667,,451755229#

Phone Conference ID: 451 755 229#

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Date: 4/6/2023

Time: 11:30 AM

**Street Address:**

1 National Life Drive

Davis 5

Montpelier, V

Zip Code: 05620

**URL for Virtual:**

Teams Meeting ID: 287 926 365 937

Passcode: 4XLMsv

Or call in (audio only): +1 802-828-7667,450553007#

Phone Conference ID: 450 553 007#

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Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

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Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

**21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):**

4/14/2023

**KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).**

School District  
Supervisory Union  
Supervisory District  
District Quality Standards  
Quality Assurance Review  
Education  
Schools





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**State of Vermont**  
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Montpelier, VT 05620-2501  
[education.vermont.gov](http://education.vermont.gov)

[phone] 802-828-1130  
[fax] 802-828-6430

*Agency of Education*

TO: Legislative Committee on Administrative Rules  
FROM: Agency of Education  
SUBJECT: Summary of Changes to Proposed Rule Series 100 Following Public Comment  
DATE: June 5, 2023

### **Proposed Rule 100, District Quality Standards**

Proposed Rule Series 100, District Quality Standards (“DQS”), establishes regulations related to school district operations, facilities, and school board governance. In addition, the rule series seeks to adopt Quality Assurance Regulations for both the new DQS and several components of the existing Education Quality Standards (“EQS”, State Board of Education Rule Series 2000). These regulations act as a crosswalk between both rule series and the existing quality assurance provisions of 16 VSA § 165.

The Agency hosted two separate public hearings to discuss the proposed rule, both of which received no attendees. During the subsequent public comment period, the Agency received only one written comment provided by the State Board of Education EQS Subcommittee. The commentary largely reflected the subcommittee’s desire to ensure that the proposed DQS rule would operate in sync with proposed State Board of Education changes to EQS (currently pending). The commentary requested that the Agency consider expanding the number of EQS elements that would be represented in the Quality Assurance Regulation section of the proposed DQS rule, specifically under section 131.1.1.

The Agency engaged in a series of follow-up discussions with representatives from the SBE Subcommittee. Elements of EQS identified in DQS Rule Series 100, section 131.1.1 were intentionally selected to represent high-leverage components that would be representative of a district's successful implementation of EQS. Expansion of this section would create significant capacity issues for both AOE and school districts and would likely result in a lesser-quality evaluation process. Ultimately, the Agency upheld the decision to limit the selected EQS components to those as originally proposed in section 131.1.1. Nevertheless, we recognized that further clarity may be needed within the proposed rule to emphasize its connection to the existing provisions of 16 VSA § 165. Those provisions, along with the proposed changes to EQS further establish school district accountability to maintain compliance with *all* sections of EQS, not just those identified through the quality assurance regulations provided by proposed rule series 100. These changes can be found in sections 102 and 131.3 of the proposed rule. The Agency sent the changes to a representative for the SBE Subcommittee who confirmed that the proposed rule satisfies the goal of the Subcommittee’s public comment.

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## Adopting Page

### **Instructions:**

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:  
**District Quality Standards**
2. ADOPTING AGENCY:  
Agency of Education
3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):
  - **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
  - **NEW RULE** - A rule that did not previously exist even under a different name.
  - **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **A NEW RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

n/a



## INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

**Meeting Date/Location:** Wednesday, February 22, 2023, virtually via Microsoft Teams

**Members Present:** Chair Sean Brown, Brendan Atwood, Jared Adler, Jennifer Mojo, John Kessler, Diane Sherman, Michael Obuchowski, Donna Russo-Savage and Nicole Dubuque

**Minutes By:** Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome, and introductions – including new Committee member Nicole Dubuque.
- Review and approval of minutes from the January 9, 2023 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2-6 to follow.
  1. 2022 Vermont Residential Rental Housing Health & Safety Code, Department of Public Safety, Division of Fire Safety, page 2
  2. Inflation Adjustment for Private Non-Medical Institutions, Agency of Human Services, Department of Vermont Health Access, page 3
  3. District Quality Standards, Agency of Education, page 4
  4. Reach Up Eligibility Rules, Agency of Human Services, Department for Children and Families, page 5
  5. Reach Up Services Rules, Agency of Human Services, Department for Children and Families, page 6
- Next scheduled meeting is Monday, March 13, 2023 at 2:00 p.m.
- 3:35 p.m. meeting adjourned.

**Proposed Rule:** District Quality Standards, Agency of Education

**Presented By:** Emily Simmons

Motion made to accept the rule by Diane Sherman, seconded by Jen Mojo, and passed unanimously except for Donna Russo-Savage who abstained, with the following recommendations:

1. Check all dates for accuracy in the filing forms.
2. Proposed Filing – Coversheet
  - a. #8: Clarify this is a new rule and how it's related to the standards.
  - g. #10: Respond to the criteria as defined in the statute referenced that the rule is sensible to a reasonable person?
  - b. #16: Add 'education' and 'school'.
3. Economic Impact Analysis:
  - a. #3: Clarify 'minimal' and 'greatest' by using different language.
  - b. #4: Include information that addresses if the state intervenes pursuant with the process laid out in this rule, there would be unknown but definite economic impacts on those impacted on those school districts.
  - c. #8: Provide examples of "...a few, minimal exceptions...".
4. Proposed Rule: Include other subjective words to be defined such as 'Financially Sound' and 'Adequate' if there's not a guidance document, training, etc. included.



## Economic Impact Analysis

### **Instructions:**

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify "No impact anticipated" in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn't appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

**District Quality Standards**

2. ADOPTING AGENCY:

Agency of Education

3. CATEGORY OF AFFECTED PARTIES:

*LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:*

Agency of Education employees

School Districts and their boards

Supervisory Unions / Supervisory Districts and their boards

Superintendents

Business Managers and other "central office" staff

Building-level administrators working in public schools  
Public school educators and staff  
Guardians of school-aged students, taxpayers, and  
community members in general  
Vermont Superintendents Association  
VT School Boards Association  
VT Principals Association  
VT-National Education Association  
VT Association of School Business Professionals  
VT School Human Resources Professionals  
VT School Boards Insurance Trust  
VT School Crisis Planning Team  
VT State Board of Education

School districts and the supervisory unions that provide them services will be affected by the proposed rules and a school district may experience a financial impact if the Agency finds it to be in violation of the standards. However, because the rules set forth standards that are restatements of existing statutory requirements or accepted best practices, the Agency does not expect that the rules themselves will create significant *\*new\** financial burdens on school districts or supervisory unions.

The Agency anticipates that the economic impact of the proposed rules themselves will be de minimus. The most likely additional cost will be related to the time it will take to train Agency employees to conduct quality assurance reviews of local systems that are struggling to meet the identified standards.

The proposed quality standards and review process have the potential benefits to students, taxpayers, and the State as a whole. They are intended to increase the quality of local education delivery systems and enhance public transparency of those systems, which the Legislature anticipates will improve the likelihood

that all VT students have substantially equal access to a quality education.

**4. IMPACT ON SCHOOLS:**

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:*

Please see the answer to #3 above.

**5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.***

The Agency drafted the proposed rules in strict adherence to a legislative directive to adopt school district quality standards relating to "the business, facilities management, and governance practices of school districts" and including a process to review each district's adherence to the standards.

The proposed rules identify standards that are restatements of actions that have been statutorily required or accepted best practices for many years.

The proposed rules resulted from an intensive process that included the active participation of Agency staff and a broad range of stakeholder groups.

**6. IMPACT ON SMALL BUSINESSES:**

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):*

The Agency does not anticipate that the proposed rules will impact small businesses.

**7. SMALL BUSINESS COMPLIANCE: *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.***

No such evaluation was necessary because the Agency does not anticipate that the proposed rules will impact small businesses.

**8. COMPARISON:**

*COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:*

The proposed rules include standards that are restatements of actions required by statute or accepted best practices. With a few, minimal exceptions, any costs arising from compliance with the rules would occur even if there were no rules on the subject.

9. *SUFFICIENCY: DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The proposed rules resulted from an intensive process that included the active participation of Agency staff and a broad range of stakeholder groups. Please see the Strategy for Maximizing Public Input page for a detailed response.



## Environmental Impact Analysis

### **Instructions:**

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

**District Quality Standards**

2. ADOPTING AGENCY:

Agency of Education

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*  
No impact is anticipated.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*  
No impact is anticipated.

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*  
No impact is anticipated.

6. RECREATION: *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*  
No impact is anticipated.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

No impact is anticipated.

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

No impact is anticipated.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

Because the proposed rules are solely concerned with the operational processes of the public education delivery system, and because all standards are based on existing statutory requirements or accepted best practices, the Agency did not conduct a specific analysis of potential environmental impacts.

## Public Input Maximization Plan

### Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

**District Quality Standards**

2. ADOPTING AGENCY:

Agency of Education

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

DEVELOPMENT OF DISTRICT QUALITY STANDARDS & QUALITY INDICATORS:

In Autumn 2022, the Agency formed an internal team of business operations and finance professionals to draft an initial model of the proposed district quality standards ("DQS") regarding two of the three "domains" identified by the 2022 Legislature: Business Operations and Facilities Management. This team identified four subcategories within the Business Operations Domain: Budgeting and Accounting, Internal Controls, Personnel Management, and Data Management. The Secretary identified two subcategories within the Facilities Management Domain: Facilities Management and Facilities Safety.

The Agency's internal team then formed subcommittees ("DQS Sprint Teams") to further review and refine each subcategory into a defined set of standards and quality indicators. The VT Superintendents Association ("VSA")

## Public Input

assigned a superintendent trustee and/or a trustee representative to participate in each Sprint Team.

The DQS Sprint Teams met at least weekly in one to two hour sessions in November and early December 2022. Each DQS Sprint Team completed "Quality Scales" based on their assigned subcategory, an exercise designed to organize thought around quality indicators, the appropriate "grain size" of selected standards, and anticipated levels of proficiency.

A similar subcommittee was formed to develop quality indicators under the Facilities Safety subcategory, including Rob Evans, contracted partner with Margolis Healy, and Sunni Erikson, Vermont Emergency Management. The standards relating to Facilities Management and Facilities Safety were drafted based on the provisions of Act 72 (2020) and current policy efforts related to school facilities and safety.

In July 2022, the Agency invited the VT School Boards Association ("VSBA") to develop standards related to district governance, the third DQS domain identified by the 2022 Legislature. VSBA assembled a taskforce that met four times between August 2022 and November 2022. The taskforce provided a district governance draft to Secretary French in November, which the Agency's internal team incorporated into the draft DQS standards. Quality Scales were not completed for the Governance Domain.

When developing the quality assurance review ("QAR") process that the Legislature required to be a component of the DQS Rules, the Agency's internal team selected five related sections from the current State Board of Education ("SBE") rules on Education Quality Standards ("EQS") to include in the QAR: Tiered Systems of Support, Local Assessment System, Coordinated Curriculum, Needs-Based Professional Development, and Continuous Improvement. Each of these rules addresses an existing quality standard for which 16 V.S.A. § 165(a) and (b) has long-required regular reports by school districts and reviews by the Secretary. Based on stakeholder feedback gathered in January 2023, three additional EQS sections were included in the QAR: Local

## Public Input

Graduation Requirements, Staff Evaluation, and Access to Instructional Materials.

### CONSULTATION WITH PARTNER ORGANIZATIONS:

Following the completion of draft DQS, the Agency reached out to several Vermont partner organizations for review and feedback on the standards and quality indicators. Feedback received was largely positive and in support of the project, and focused on technical corrections or improvements to the language.

The following organizations were provided the opportunity to meet with representatives from the Sprint Teams to review relevant language and provide input or suggested changes:

\* VT School Crisis Planning Team ("VSCPT"): Agency representatives Rob Evans and Sunni Erikson met virtually with the VSCPT on two occasions at monthly subcommittee meetings. Feedback was largely focused on how the DQS may incorporate proposed legislative changes to school safety.

\* Vermont Association of School Business Officials ("VASBO"): Agency business office staff provided a brief overview of the DQS project to VASBO at monthly meetings on two occasions in November and December, and provided a copy of the completed draft standards and Quality Scales for review and discussion at an in-person meeting on January 13, 2023. VASBO members had an opportunity to discuss and comment on the selected standards. Suggested changes noted and suggested by the Agency included: use of the word "policy," clear delineation of roles, and incorporation of cybersecurity as a component of liability insurance coverage.

\* Vermont School Human Resources Professionals ("VSHRP"): The Agency provided a copy of the completed draft Business Operations standards to VSHRP President Megan DeVenny, who distributed the documents to the VSHRP organization for review and comment. AOE met virtually with members of VSHRP on January 12, 2023 and solicited additional feedback about the draft standards, specifically those in the "Personnel Management" subsection. Comments were largely focused

## Public Input

on clarity of terms and the suggested removal of a "staff wellness" standard.

\* Vermont School Boards Insurance Trust ("VSBIT"): VSBIT is an external company that provides risk management services to Vermont school districts. VSBIT was consulted via email during the development of the DQS, and provided some general information about the most common risk management services it offers to VT Supervisory Unions and Districts.

\* Vermont Superintendents Association Trustees ("VSA"): The Agency solicited input from VSA via their Trustees in early November 2022. The VSA Trustees (or an assigned delegate, such as a business manager or curriculum director) participated in the Sprint Teams. The Agency presented an overview of the project to the VSA at an in-person meeting on November 4, 2022, and provided subsequent updates to the VSA Trustees on December 4, 2022 and to the VSA membership on January 19, 2023.

### QUALITY ASSURANCE REVIEW REFINEMENT:

The Agency's legal team led efforts to draft the proposed rule language for both the DQS and the QAR process.

Tammy Kolbe, Vice-Chair of the SBE, was invited to join the discussions around how to design the QAR process, with consideration for the SBE's role in EQS assurance per long-standing requirements in 16 V.S.A. § 165, as well as anticipated proposed changes to the EQS rules. The team met on four occasions in December and January and distributed a complete draft for stakeholder review on January 24, 2023.

### DQS WORKING SESSIONS:

The Agency invited members of the SBE, VSA, VSBA, VT Principals Association, and VT-National Education Association to participate in two remote discussions on January 10 and January 12, 2023. During these sessions Agency presented information about the purpose and rationale for the project, the design process, and the anticipated quality assurance process.

### STATE BOARD OF EDUCATION:

## Public Input

In addition to the contact discussed above, the Agency presented testimony and responded to questions at regular SBE meetings in August, September, November, and December 2022, and January 2023, as well as a special meeting warned specifically to discuss the DQS and QAR on January 25, 2023.

### OTHER:

The Agency completed a draft of the new proposed rules (both DQS and QAR) and provided a written copy of the draft to each of the above organizations on January 25. The Agency invited them to provide written comments to the draft, responded to each comment, and incorporated many of the suggestions.

The Agency convened two public hearings in early April - one in the middle of the day and one in the early evening. Participants were able to access both hearings in person as well as remotely by video and by telephone. No members of the public availed themselves of the opportunities provided.

The Agency accepted written comments to the proposed rules through the end of the day, eight days after the final public hearing. The Education Quality Standards Subcommittee of the State Board of Education submitted the sole set of written comments. The Agency Secretary and staff met on multiple occasions with representatives of the Subcommittee to understand and address the issues raised.

#### **4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:**

Vermont Superintendents Association

VT School Boards Association

VT Principals Association

VT-National Education Association

VT Association of School Business Professionals

VT School Human Resources Professionals

VT School Boards Insurance Trust

VT School Crisis Planning Team

**Summary of Public Comment: Rule Series 100, District Quality Standards**  
 SOS proposed #23P004

<u>Name</u>	<u>Town or Organization</u>	<u>Written Testimony?</u>	<u>Summary of Requested Rule Change</u>	<u>Proposed AOE Response</u>	<u>Resolved?</u>	<u>Reject or Accept Commenter Request</u>
Kimberly Gleason	State Board of Education EQS Subcommittee	yes	Expand section 131.1.1 to include entirety of SBE Rule 2120 Curriculum and Instruction, expanding from the current selection of sections 2120.6 and 2120.8; Expand section 131.1.1 to include entirety of SBE Rules 2122 Learning Environment, expanding from the current selection of section 2122.2 Expand section 131.1.1 to include entirety of SBE Rule 2121; Professional Resources, expanding from the current selection of sections 2121.3, 2121.4, and 2121.5; Expand section 131.1.1 to include SBE Rules 2124 Reporting of Results	Monitoring and enforcement provisions of both EQS (in current draft form) and DQS are harmonized between the two rule series, as well as with existing AOE initiatives, such as the Annual Assurances. In addition, the Agency has made two additional changes to the rule in sections 102 and 131.3 to further emphasize the purpose of the rule and connection to existing assurances.	Y	Resolved



**From:** [Gleason, Kimberly G](#)  
**To:** [O'Brien, Courtney](#)  
**Cc:** [Simmons, Emily](#); [Kolbe, Tammy](#); [Lovett, Tom](#); [Samuelson, Jennifer](#); [Gleason, Kimberly G](#)  
**Subject:** PUBLIC COMMENT - AOE Rule Series 100 - District Quality Standards, Rules 130, Section 131.1  
**Date:** Friday, April 14, 2023 1:07:00 PM

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Dear Ms. O'Brien,

On behalf of the EQS Committee of the State Board of Education, we write to request additions to the *Draft Rule 130 Quality Assurance, Section 131.1 Self-Evaluation* that are necessary for alignment with the Education Quality Standards, currently in the final pre-filing phase of revision.

It is unclear why there were sections of the EQS that are omitted from Self-Evaluation reporting. The EQS Committee proposed revisions to the EQS pursuant to Act 1 of 2019 are in the final pre-filing phase ("Final" EQS Committee Draft attached), with an expectation that they will be voted on by the full State Board of Education at the meeting May 17, 2023, and presented to ICAR at their June meeting. These Rules offer substantial updates to the EQS of 2014, and will benefit greatly from alignment with accountability to these Standards through the Quality Assurance process, as outlined in AOE Rule Series 100.

Specific recommendations follow here:

1. We request that the entirety of *SBE Rule 2120 Curriculum and Instruction* be added to the Quality Assurance Self-Evaluation. *SBE Rule 2120* contains critical information on which school districts should be evaluated to ensure they are progressing toward equity in education, as articulated in this section of the rules. This is especially true, with the proposed updates to the EQS resulting from the recommendations for alignment with Act 1 of 2019. This section of the EQS addresses *2120.1 Instruction Strategies*, *2120.2 Flexible Pathways*, *2120.3 Career and Technical Education*, *2120.4 Personalized Learning Plans*, and *2120.5 Curriculum Content*, all sections which are absent from the proposed self-evaluation process outlined in *AOE Rule 131.1*. *2120.1 Instructional Strategies* and *2120.5 Curriculum Content* saw some of the most substantial updates in the EQS revision process and these areas are standards against which a school should be evaluated.
2. We request that the entirety of *SBE Rule 2121 Professional Resources* be included for the Quality Assurance Self-Evaluation. *SBE Rule 2121* provides the tools that will enable progress toward equity in education as articulated in Act 1. This section includes *2121.1 School Leadership* and *2121.2 Staff* which were omitted from the proposed self-assessment, but provide clarity on indicators such as class size, total class roll of a teacher, and requirements for adequate staffing for specialists within the school buildings.

3. We request that the entirety of *SBE Rules 2122 Learning Environment* be included for the Quality Assurance Self-Evaluation. Currently, *2122.1 School Facilities and Learning Environment* is omitted from assurance process, and that section calls for a learning environment that is "free from hazing, harassment and bullying" and requires that a school has "clear discipline and attendance policies". These are metrics that are accessible and important to ensure a safe learning environment for all students. Self-evaluation in this area would require that the SU/SD is evaluating the data and experiences of their students through these policies and practices.
  
4. We request that the entirety of *SBE Rules 2124 Reporting of Results* be included for the Quality Assurance Self-Evaluation. Currently this section is fully omitted from the assurance process, and this section sets expectations for the reporting of student and system performance results. In the proposed revised EQS, the required reporting indicators are clearly laid out in *Section 2124*, where they had previously been embedded in the text of *Rule 2125 Continuous Improvement Plan*. Accountability to this reporting is also consistent with the statewide reporting requirements articulated in 16 V.S.A. § 164 (17).

We are grateful for the accountability that the District Quality Standards and Quality Assurance process is requiring of SU/SDs. Self reflection by a system is a powerful tool for change and progress. We also appreciate the challenge in crafting rules that reference one another, as they are each currently under review and consideration. We believe ensuring self-evaluation on each section of the EQS referenced above is critical.

Thank you for your work to bring greater clarity and accountability to the EQS compliance process.

Best,  
Kim Gleason & Tammy Kolbe  
Co-chair, EQS Committee of the State Board of Education

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**VERMONT AGENCY OF EDUCATION**

# **DISTRICT QUALITY STANDARDS**

**Rule Series 100**

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**LEADERSHIP**

**SUPPORT**

**OVERSIGHT**

## 100 District Quality Standards

### 101 Statutory Authority

16 V.S.A. § 165(g); 2022 Acts and Resolves No. 127, Sec. 14

### 102 Statement of Purpose

As set forth in 16 V.S.A. § 165:

(g) In addition to the education quality standards provided in section (a) of this section, each Vermont school district shall meet the school district quality standards adopted by rule of the Agency of Education regarding the business, facilities management, and governance practices of school districts. These standards shall include a process for school district quality reviews to be conducted by the Agency of Education. Annually, the Secretary shall publish metrics regarding the outcomes of school district quality reviews.

The purpose of these rules is to improve school district quality as a means to support the State's goal, set forth in 16 V.S.A. § 165(a), "that all Vermont children will be afforded educational opportunities that are substantially equal in quality" and enable them to achieve or exceed the education quality standards approved by the State Board of Education.

The State has ultimate responsibility for ensuring all students receive substantially equal access to a quality education. This responsibility originates from the Vermont Constitution and is more fully described in 16 V.S.A. § 1.

To fulfill its responsibility, the State delegates considerable authority to school districts, supervisory unions (SU/SDs), and superintendents. Therefore, the State has an obligation to provide public assurance that its delegated authority is being exercised in a manner that will likely achieve its responsibility. The State has an additional obligation to ensure that students in Vermont public schools are provided educational opportunities substantially equal to those provided in other public schools.

The standards provided in these rules describe core elements of a quality education delivery system. They also describe the role of the Agency of Education in providing the necessary support and oversight to attain those standards, so all students receive substantially equal access to a quality education.

These rules are in addition to and, unless otherwise specifically stated, do not supersede other Rules adopted by the Agency of Education or the State Board of Education.

## 103 Definitions

As used in this Rule 100 Series, words have the meaning as defined or intended in Title 16, Vermont Statutes Annotated; provided, however, that as used in this Rule Series, the term:

**103.1** “Board” means the board of an SU/SD and, if applicable, the board of each member school district within an SU.

**103.2** “Governance” means the system and methods by which the SU/SD is directed and overseen including the SU/SD’s structure, the processes for making decisions and for ensuring accountability, and the ways in which goals are set and achieved, risk is assessed and mitigated, and performance is maximized.

**103.3** “Priorities” means the SU/SD’s goals that are identified as most important by its board.

**103.4** “Processes” means structures established by the SU/SD to support consistency, clear expectations, organization, and shared understanding for how the work will be accomplished.

**103.5** “Protocols” means the SU/SD’s agreed-upon norms of behavior and interactions to promote transparency, predictability, and functional group dynamics.

**103.6** “SU/SD” means a supervisory union, including a supervisory district (a single-district supervisory union), in connection with:

- (a) The duties it performs on behalf of the supervisory union itself; and
- (b) If applicable, the duties it performs on behalf of its member school districts or the duties for which it is responsible for ensuring performance on the member districts’ behalf.

## 110 District Quality Standards

As required by 16 V.S.A. § 165(g), each SU/SD shall meet or exceed the following district quality standards.

### 111 Business Operations

#### 111.1 Budgeting and Accounting

The SU/SD follows consistent and financially sound processes to effectively manage its budget, use resources most efficiently, and ensure transparency of financial operations.

**111.1.1** The SU/SD prepares and presents an annual budget which ensures compliance with federal and other budgeting requirements and demonstrates a clear connection to established SU/SD goals and priorities and, if applicable, the goals and priorities of each member school district within the SU.

**111.1.2** The SU/SD maintains accounting systems and records that ensure transparency and accountability for all funds, regardless of source, and provide complete, accurate, reliable, and timely data for reporting.

**111.1.3** The SU/SD maintains accounting records in accordance with Generally Accepted Accounting Principles (GAAP) and Governmental Accounting Standards Board principles (GASB).

**111.1.4** The SU/SD records and reports information consistent with the most current version of the Vermont Agency of Education Uniform Chart of Accounts within the SU/SD's accounting software.

**111.1.5** The SU/SD employs grants management practices that enable it to effectively and efficiently spend its federal grant funds and prevent reversion of funds.

### **111.2 Risk Management and Internal Controls**

The SU/SD maintains adequate internal controls to provide reasonable assurance the SU/SD and, if applicable, each member school district within the SU follow State and federal statutes and regulations.

**111.2.1** The SU/SD completes required audits in accordance with established deadlines and communicates audit results with the SU/SD Board and, if applicable, the board of each member school district within the SU.

**111.2.2** The SU/SD establishes, and complies with, a consistent records management process that adequately addresses all State, federal, and local requirements related to records and records retention.

**111.2.3** The SU/SD takes adequate measures to safeguard protected information and other information designated as sensitive, consistent with applicable State and federal law.

**111.2.4** The SU/SD implements and maintains effective procurement and contract administration processes.

**111.2.5** The SU/SD has incorporated a risk management assessment, including liability insurance coverage and safe cybersecurity practices, into its operational processes.

### **111.3 Personnel Management**

The SU/SD and, if applicable, each member school district within the SU employs staff in accordance with State and federal law and implements equitable and inclusive personnel practices that support effective recruitment and retention of staff.

**111.3.1** The employer establishes clear and consistent policies and processes for equitable hiring of staff.

**111.3.2** The employer ensures that all employees, volunteers, and other applicable staff have completed all required background check requirements in accordance with law.

**111.3.3** The employer ensures that all positions that require professional licensing meet current licensing requirements throughout the duration of employment.

#### **111.4 Data Management**

The SU/SD ensures systems are in place for the efficient and purposeful collection, use, and sharing of data.

**111.4.1** The SU/SD reports accurate and timely data as required by the Secretary of Education.

**111.4.2** The SU/SD uses a single student information system for all public schools within the SU/SD as a data source for up-to-date educational records.

**111.4.3** The SU/SD's student information system meets interoperability requirements as specified by the Secretary of Education.

**111.4.4** The SU/SD demonstrates purposeful use of data in identifying needs, evaluating program effectiveness, and communicating the current state of educational outcomes.

### **112 Facilities Management and Safety**

#### **112.1 Facilities Management**

The SU/SD adequately maintains and cleans the facilities for which the SU/SD or, if applicable, a member school district is responsible, and has developed the plans necessary to ensure current and future operations.

**112.1.1** The SU/SD maintains a comprehensive school facilities Operations and Maintenance Manual (OMM) for each building and other facility for which the SU/SD or, if applicable, a member school district is responsible.

(a) The SU/SD ensures that educational and program facilities are accessible, clean, safe, secure, well-lit, well-maintained, and conducive to student learning, including having adequate access to technology.

(b) The OMM describes regular cleaning routines and maintenance tasks such as the periodic cleaning/changing of HVAC filters and other mechanical systems to ensure good air quality.

(c) The SU/SD updates the OMM as changes to facilities or staffing occur and provides training to staff on how to implement the OMM.

**112.1.2** The SU/SD maintains a five-year Capital Improvement Plan (CIP) for each building and other facility for which the SU/SD or, if applicable, a member school district is responsible and updates it annually.

(a) The CIP describes future capital development and improvement needs, including the need for adequate-sized facilities based on enrollment projections.

(b) The CIP also addresses the following categories in addition to capacity:

(i) Safety and security infrastructure;

(ii) Accessibility;

(iii) Technology infrastructure;

(iv) Capacity to deliver STEAM (science, technology, engineering, arts, and math) programming; and

(v) Building systems' condition and performance, including energy efficiency improvements and indoor air quality to address the health and safety of students and employees.

**112.1.3** The SU/SD designates a person with responsibility for facilities management with the SU/SD. The designee receives the necessary training and certification to ensure compliance with these standards.

## **112.2 Facilities Safety**

The SU/SD ensures that the facilities for which the SU/SD or, if applicable, a member school district is responsible are safe, and maintains up-to-date operational plans to ensure staff and other stakeholders can respond to threats.

**112.2.1** The SU/SD maintains a comprehensive Emergency Operations Plan (EOP) in the format prescribed by the Secretary.

(a) SU/SD leadership and, if applicable, the leadership of each member school district within the SU reviews and updates the EOP annually to ensure that it includes the essential processes, operations, and assignments that are required to plan, prepare, mitigate, respond to, and recover from an emergency or disaster.

(b) The SU/SD ensures that all drills, practice exercises, and other emergency processes required by the EOP are conducted at each building or other facility.

**112.2.2** The SU/SD ensures that each building and other facility has adopted an appropriate approach to physical security measures to ensure each facility is a safe and secure environment.

**112.2.3** The SU/SD ensures that all SU/SD staff and, if applicable, member school district staff within the SU/SD are trained in emergency operations including threat assessment protocols.

## **113 Governance**



### 113.1 Governance Priorities

Through an equity lens, the Board of each SU/SD and, if applicable, of each member school district within the SU, adopts a vision and measurable goals to support continuous improvement and monitors student academic progress and wellness.

**113.1.1** The Board follows an inclusive process to invite and incorporate community input into the vision and goals for the school system.

**113.1.2** At least annually, the Board sets measurable goals and regularly reviews the progress toward those goals.

**113.1.3** At least annually, the Board monitors student academic progress and wellness.

**113.1.4** At least annually, the Board formally evaluates the performance of the superintendent, based in part on the superintendent's progress toward meeting agreed-upon goals.

### 113.2 Governance Protocols

The Board of each SU/SD and, if applicable, of each member school district within the SU adopts, reviews annually, and revises, as needed, operating protocols for how it does its work and annually reads foundational documents such as articles of agreement.

**113.2.1** The Board annually assesses its performance, including adherence to agreed protocols, processes, and policies.

**113.2.2** The Board annually reviews whether and/or how its actions and contributions have impacted the school system's success in meeting goals.

**113.2.3** The Board annually evaluates the effectiveness of community engagement and public communication efforts.

**113.2.4** The Board undertakes its own continuous learning and development and provides members with opportunities for ongoing training and support to maintain and increase their skills and understanding.

### 113.3 Governance Processes

The Board of each SU/SD and, if applicable, of each member school district within the SU establishes and follows inclusive, transparent, and predictable methods to conduct its work.

**113.3.1** The Board discusses, adopts, and revises policies on a regular basis to ensure the system is supporting and meeting the needs of every student.

**113.3.2** The Board ensures its annual budget aligns with its stated priorities and provides an equitable distribution of resources to help meet the needs and goals of every student.

**113.3.3** The Board ensures its members are aware of conditions set forth in negotiated agreements and contracts.

**113.3.4** The Board ensures its members understand and comply with Vermont statutes and regulations relevant to board work and public education.

**113.3.5** The Board stays apprised of proposed legislation and policy-making that may affect its school system and students.

**113.3.6** The Board maintains an ongoing relationship with locally elected officials.

## **130 Quality Assurance**

### **131 District Quality Review Process**

#### **131.1 Self-Evaluation**

**131.1.1** Annually, the SU/SD shall evaluate its performance under each District Quality Standard set forth in Rule 110 above and the following Education Quality Standards (State Board Rule Series 2000):

- SBE Rule 2120.6 Curriculum Coordination
- SBE Rule 2120.8 Local Graduation Requirements
- SBE Rule 2121.3 Needs Based Professional Learning
- SBE Rule 2121.4 Staff Evaluation
- SBE Rule 2121.5 Tiered System of Support
- SBE Rule 2122.2 Access to Instructional Materials
- SBE Rule 2123 State and Local Comprehensive Assessment System
- SBE Rule 2125 Continuous Improvement Plan

**131.1.2** Annually, on or before a date determined and announced by the Agency, the SU/SD shall submit its self-evaluation electronically to the Agency.

**131.1.3** The SU/SD shall conduct and submit its self-evaluation on a form developed by the Agency, which the Agency may update as necessary or as it deems advisable.

**131.1.4** Based on the results of the SU/SD self-evaluation, the Agency may require the SU/SD to participate in training to improve its practices related to one or more District Quality Standards and/or Education Quality Standards listed above.

### 131.2 Three-Year Intermediate Reviews

**131.2.1** The Agency shall evaluate each SU/SD's performance under the Education Quality Standards listed in 131.1.1 above by reviewing the State assessment proficiency scale scores of each SU/SD and each SU/SD's progress in achieving adequate growth in proficiency, including proficiency of historically marginalized student subgroups.

**131.2.2** Not less than every three years, based on the evaluation in 131.2.1, the Agency shall identify for an intermediate review each SU/SD that the Secretary determines is not meeting Education Quality Standards or that is not making sufficient progress in improving student performance as required by 16 V.S.A. § 165(b). The Agency shall inform each SU/SD in writing whether it has been identified for intermediate review.

**131.2.3** An SU/SD identified for an intermediate review will be evaluated by the Agency for compliance with the Education Quality Standards listed in 131.1.1 above. The Agency shall notify the SU/SD in writing of the outcome of its review not later than one year from the date of written identification in 131.2.2.

**131.2.3.1** The notification shall identify any standard the SU/SD failed to meet.

**131.2.3.2** The notification shall identify the specific actions the SU/SD must take to meet any standard it failed to meet and establish a deadline by which the action must be completed.

**131.2.3.3** The notification shall identify the manner in which the SU/SD shall confirm that it has taken the identified actions (e.g., in writing, in an electronic meeting, at an in-person meeting).

**131.2.3.4** The notification shall describe the technical assistance the Agency will provide to the SU/SD.

### 131.3 Enforcement

In order to ensure that students in Vermont public schools are provided educational opportunities substantially equal to those provided in other public schools, and to ensure that all Vermont public schools can demonstrate satisfactory ability to meeting the Education Quality Standards, the Secretary shall take the following actions:

**131.3.1** If an SU/SD fails to take corrective actions identified in the Agency's notification issued under 131.2.3, then, within two years of the date of notification, the Agency may make a recommendation to the State Board for one or more of the following actions, pursuant to the process described in 16 V.S.A. § 165(b):

(a) the Agency shall continue to provide technical assistance for one more cycle of review;

- (b) the State Board shall adjust supervisory union boundaries or responsibilities of the superintendency pursuant to 16 V.S.A. § 261;
- (c) the Secretary shall assume administrative control of an individual school, school district, or supervisory union, including budgetary control to ensure sound financial practices, only to the extent necessary to correct deficiencies;
- (d) the State Board shall close an individual school or schools and require that the school district pay tuition to another public school or an approved independent school pursuant to chapter 21 of Title 16; or
- (f) the State Board shall require two or more school districts to consolidate their governance structures.

### **132 Publication of “Metrics Regarding the Outcomes” of District Quality Reviews**

**132.1** Within 60 days of the deadline established for submission of the original self- evaluation in 131.1 above, the Agency shall publish on its website each SU/SD’s measurements under the district quality standards.

**132.2** Within 7 days of the written identification in 131.2.2 above, the Agency shall publish on its website a list of SU/SDs identified for a three-year intermediate review.

### **140 Effective Date**

These rules will take effect on July 1, 2025.

# The Vermont Statutes Online

## Title 16 : Education

### Chapter 003 : State Board Of Education

#### Subchapter 001 : General Provisions

(Cite as: 16 V.S.A. § 165)

#### **§ 165. Education quality standards; equal educational opportunities; independent school meeting education quality standards**

(a) In order to carry out Vermont's policy that all Vermont children will be afforded educational opportunities that are substantially equal in quality, each Vermont public school, including each career technical center, shall meet the following education quality standards:

(1) The school, through a process including parents, teachers, students, and community members, develops, implements, and annually updates a continuous improvement plan to improve student performance within the school. The plan shall include goals and objectives for improved student learning and educational strategies and activities to achieve its goals. The plan shall also address the effectiveness of efforts made since the previous continuous improvement plan to ensure the school maintains a safe, orderly, civil, and positive learning environment that is free from harassment, hazing, and bullying. The school shall assess student performance under the plan using a method or methods of assessment developed under subdivision 164(9) of this title.

(2) The school, at least annually, reports student performance results to community members in a format selected by the school board. In the case of a regional career technical center, the community means the school districts in the service region. The school report shall include:

(A) Information indicating progress toward meeting standards from the most recent measure taken.

(B) [Repealed.]

(C) Information indicating progress toward meeting the goals of an annual continuous improvement plan.

(D) Any other statistical information about the school or community that the school board deems necessary to place student performance results in context.

(E)-(G) [Repealed.]

(H) A description of how the school ensures that each student receives

appropriate career counseling and program information regarding availability of education and apprenticeship program offerings at career technical centers.

(I) [Repealed.]

(J) If the school is a secondary school, information and supporting data presented in a manner designed to protect student confidentiality on the dropout and graduation rates.

(K) Data provided by the Secretary that enable a comparison with other schools, or school districts if school level data are not available, for cost-effectiveness. The Secretary shall establish which data are to be included pursuant to this subdivision and, notwithstanding that the other elements of the report are to be presented in a format selected by the school board, shall develop a common format to be used by each school in presenting the data to community members. The Secretary shall provide the most recent data available to each school no later than October 1 of each year. Data to be presented include student-to-teacher ratio, administrator-to-student ratio, administrator-to-teacher ratio, and cost per pupil.

(3) The school substantially meets standards adopted by rule of the State Board regarding conditions, practices, and resources of schools. The standards shall address those aspects of the following that are most closely associated with improving student performance:

- (A) school leadership, staffing, and support services;
- (B) instructional practices and curriculum leadership, content, and coordination;
- (C) educational materials and school facilities;
- (D) access to current technology.

(4) The school shall provide for and the staff shall use needs-based professional development designed to improve the quality of education provided to the students and directly connected to standards for student performance established by the State Board and any other educational performance goals established by the school board.

(5) The school uses staff evaluation to advance educational performance objectives.

(6) The school ensures that students receive appropriate career counseling and program information regarding the availability of education and apprenticeship program offerings at career technical centers. In addition, the school, if it is a secondary school, offers a genuine opportunity to access career technical education programs.

(7) The school ensures that students are furnished educational services in accordance with any State or federal entitlements and in a nondiscriminatory manner.

(8) The school maintains a safe, orderly, civil, and positive learning environment

that is free from hazing, harassment, and bullying, and is based on sound instructional and classroom management practices and clear discipline policies that are consistently and effectively enforced.

(b) Annually, the Secretary shall determine whether students in each Vermont public school are provided educational opportunities substantially equal to those provided in other public schools. If the Secretary determines that a school is not meeting the education quality standards listed in subsection (a) of this section or that the school is making insufficient progress in improving student performance in relation to the standards for student performance set forth in subdivision 164(9) of this title, he or she shall describe in writing actions that a district must take in order to meet either or both sets of standards and shall provide technical assistance to the school. If the school fails to meet the standards or make sufficient progress within two years of the determination, the Secretary shall recommend to the State Board one or more of the following actions:

(1) the Agency continue to provide technical assistance for one more cycle of review;

(2) the State Board adjust supervisory union boundaries or responsibilities of the superintendency pursuant to section 261 of this title;

(3) the Secretary assume administrative control of an individual school, school district, or supervisory union, including budgetary control to ensure sound financial practices, only to the extent necessary to correct deficiencies;

(4) the State Board close an individual school or schools and require that the school district pay tuition to another public school or an approved independent school pursuant to chapter 21 of this title; or

(5) the State Board require two or more school districts to consolidate their governance structures.

(c) The State Board, after offering the school board an opportunity for a hearing, shall either dismiss the Secretary's recommendation or order that one or more of the actions listed in subsection (b) of this section be taken. The action ordered by the State Board shall be the least intrusive consistent with the need to provide students attending the school substantially equal educational opportunities. A school board aggrieved by an order of the State Board may appeal the order in accordance with the Rules of Civil Procedure.

(d) Nothing in this section shall be construed to entitle any student to educational programs or services identical to those received by students in the same or any other school district. Further, nothing in this section shall create a private right of action.

(e) If the Secretary determines at any time that the failure of a school to meet the education quality standards listed in subsection (a) of this section is severe or pervasive, potentially results in physical or emotional harm to students or significant deprivation of

equal education opportunities, and the school has either unreasonably refused to remedy the problem or its efforts have proved ineffective, he or she may recommend to the State Board one or more of the actions listed in subsection (b) of this section. The State Board shall then follow the procedure of subsection (c) of this section.

(f) In order to be designated an independent school meeting education quality standards, an independent school shall participate in the education quality standards process of subsection (b) of this section. An independent school shall receive technical assistance in accordance with the provisions of subsection (b), but shall not be subject to subdivisions (b)(2)-(4) of this section. The school shall be an independent school meeting education quality standards unless the State Board, after opportunity for hearing, finds that:

(1) the school has discontinued its participation in the education quality standards process; or

(2) two or more years following a determination that the school is not meeting the education quality standards or that the school is making insufficient progress in improving student performance, the school fails to meet the standards or make sufficient progress toward meeting the standards.

[Subsection (g) effective July 1, 2024.]

(g) In addition to the education quality standards provided in subsection (a) of this section, each Vermont school district shall meet the school district quality standards adopted by rule of the Agency of Education regarding the business, facilities management, and governance practices of school districts. These standards shall include a process for school district quality reviews to be conducted by the Agency of Education. Annually, the Secretary shall publish metrics regarding the outcomes of school district quality reviews. (Added 1969, No. 298 (Adj. Sess.), § 16; amended 1981, No. 151 (Adj. Sess.), § 6; 1987, No. 97, § 5, eff. June 23, 1987; 1989, No. 44, § 3, eff. June 1, 1990; 1997, No. 60, § 4, eff. July 1, 1998; 1997, No. 71 (Adj. Sess.), § 82, eff. March 11, 1998; 1997, No. 138 (Adj. Sess.), § 4, eff. April 27, 1998; 1999, No. 113 (Adj. Sess.), § 1b; 1999, No. 120 (Adj. Sess.), § 4; 2001, No. 8, § 2; 2003, No. 68, § 46, eff. June 18, 2003; 2005, No. 54, § 1; 2007, No. 154 (Adj. Sess.), § 7; 2013, No. 92 (Adj. Sess.), § 12, eff. Feb. 14, 2014; 2013, No. 142 (Adj. Sess.), § 27; 2015, No. 23, § 19; 2015, No. 46, § 40, eff. July 1, 2020; 2015, No. 131 (Adj. Sess.), § 24; 2017, No. 49, § 26, eff. May 23, 2017; 2021, No. 127 (Adj. Sess.), § 13, eff. July 1, 2024.)







# Proposed Rules Postings

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## Search Rules

### Deadline For Public Comment

Deadline: Apr 14, 2023

Please submit comments to the agency or primary contact person listed below, before the deadline.

### Rule Details

Rule Number:	23P004
Title:	District Quality Standards.
Type:	Standard
Status:	Proposed
Agency:	Agency of Education
Legal Authority:	16 V.S.A. § 165(g) and 2022 Acts and Resolves No. 127, Sec. 14

Summary: The proposed new rules describe core elements inherent in a high quality system of local education delivery. The rules establish standards regarding critical (i) business practices (in re: budgeting & accounting, risk management & internal controls,



personnel management, and data management); (ii) facilities management and safety practices; and (iii) governance priorities, protocols, and processes. The proposed rules describe a system of self-evaluation, publication of metrics, and Agency support and oversight for school districts/supervisory unions/supervisory districts to attain the stated standards. The rules are written to acknowledge that although 16 V.S.A. § 165 speaks of "districts," other statutes assign responsibility for duties related to business, facilities, and governance to (i) supervisory unions to perform on behalf of their member school districts and (ii) supervisory districts (i.e., single school districts that serve as their own supervisory unions) to perform on their own behalf.

Persons Affected:

Agency of Education employees; School Districts and their boards; Supervisory Unions / Supervisory Districts and their boards; Superintendents; Business Managers and other "central office" staff; Building-level administrators working in public schools; Public school educators and staff; Guardians of school-aged students, taxpayers, and community members in general; Vermont Superintendents Association; VT School Boards Association; VT Principals Association; VT-National Education Association; VT Association of School Business Professionals; VT School Human Resources Professionals; VT School Boards Insurance Trust; VT School Crisis Planning Team; and VT State Board of Education.

Economic Impact:

The proposed rules identify standards that are restatements of actions that have been required in statute or accepted best practices for many years. As a result, to the extent a school district or supervisory union/supervisory district might be required to make substantial expenditures (e.g., related to school facilities), the expenditure would be required by statute even if the proposed rules did not exist. The Agency anticipates that the economic impact of the proposed rules themselves will be minimal. The greatest cost will likely be one related to the time it will take to train Agency employees to conduct quality assurance reviews of local systems that are struggling to meet the identified standards.

Posting date:

Mar 01,2023

## Hearing Information



**Information for Hearing # 1**

Hearing date: 04-04-2023 5:00 PM [ADD TO YOUR CALENDAR](#)

Location: Agency of Education

Address: 1 National Life Drive, Davis 5

City: Montpelier VT

State: VT

Zip: 05620-2501

Hearing Notes: see also Hearing via MS Teams.

**Information for Hearing # 2**

Hearing date: 04-04-2023 5:00 PM [ADD TO YOUR CALENDAR](#)

Location: via MS Teams

Address: <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

City: Meeting ID: 213 228 686 662 Passcode: iNfysr or call in (audio only): +1 802-828-7667,,451755229# Phone Conference ID: 451, 7

State: VT

Zip: n/a

Hearing Notes: MS Teams (<https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>) Teams Meeting ID: 213 228 686 662 Passcode: iNfysr or call in (audio only): +1 802-828-7667,,451755229# Phone Conference ID: 451, 755 229#

**Information for Hearing # 3**

Hearing date: 04-06-2023 11:30 AM [ADD TO YOUR CALENDAR](#)

Location: Agency of Education

Address: 1 National Life Drive, Davis 5

City: Montpelier

State: VT

Zip: 05620-2501

Hearing Notes: see also Hearing via MS Teams.

**Information for Hearing # 4**

Hearing date: 04-06-2023 11:30 AM [ADD TO YOUR CALENDAR](#)

Location: via MS Teams

Address: <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

City: Teams Meeting ID: 287 926 365 937 Passcode: 4XLMsv Or call in (audio only): +1 802-828-7667, ,450553007# Phone Conference ID:

State: VT



Zip: n/a

Hearing Notes: MS Teams (<https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>) Teams Meeting ID: 287 926 365 937 Passcode: 4XLMsv Or call in (audio only): +1 802-828-7667, ,450553007# Phone Conference ID: 450 553 007#.

## Contact Information

### Information for Primary Contact

**PRIMARY CONTACT PERSON - A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE.**

Level: Primary

Name: Emily Simmons, General Counsel

Agency: Agency of Education

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City: Montpelier

State: VT

Zip: 05620-2501

Telephone: 802-828-1518

Fax: 802-828-6430

Email: [emily.simmons@vermont.gov](mailto:emily.simmons@vermont.gov)

[SEND A COMMENT](#)

Website Address: <https://education.vermont.gov/rules>

[VIEW WEBSITE](#)

### Information for Secondary Contact

**SECONDARY CONTACT PERSON - A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON.**

Level: Secondary

Name: Courtney O'Brien, Business Project Manager

Agency: Agency of Education

Address: 1 National Life Drive, Davis 5

City: Montpelier

State: VT

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Telephone: 802-595-4007

Fax: 802-828-6430





Email:

courtney.obrien@vermont.gov

SEND & COMMENT

## Keyword Information

Keywords:

School District  
Supervisory Union  
Supervisory District  
District Quality Standards  
Quality Assurance Review  
Education  
Schools

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The Islander ( <a href="mailto:islander@vermontislander.com">islander@vermontislander.com</a> )	Tel: 802-372-5600 FAX: 802-372-3025
Vermont Lawyer ( <a href="mailto:hunter.press.vermont@gmail.com">hunter.press.vermont@gmail.com</a> )	Attn: Will Hunter

**FROM:** APA Coordinator, VSARA

**Date of Fax:** March 1, 2023

**RE:** The "Proposed State Rules " ad copy to run on

**March 9, 2023**

PAGES INCLUDING THIS COVER MEMO:

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If you have questions, or if the printing schedule of your paper is disrupted by holiday etc. please contact VSARA at 802-828-3700, or E-Mail [sos.statutoryfilings@vermont.gov](mailto:sos.statutoryfilings@vermont.gov), Thanks.



## PROPOSED STATE RULES

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By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at <https://secure.vermont.gov/SOS/rules/>. The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

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District Quality Standards.

Vermont Proposed Rule: 23P004

AGENCY: Agency of Education

CONCISE SUMMARY: The proposed new rules describe core elements inherent in a high quality system of local education delivery. The rules establish standards regarding critical (i) business practices (in re: budgeting & accounting, risk management & internal controls, personnel management, and data management); (ii) facilities management and safety practices; and (iii) governance priorities, protocols, and processes. The proposed rules describe a system of self-evaluation, publication of metrics, and Agency support and oversight for school districts/supervisory unions/supervisory districts to attain the stated standards. The rules are written to acknowledge that although 16 V.S.A. § 165 speaks of "districts," other statutes assign responsibility for duties related to business, facilities, and governance to (i) supervisory unions to perform on behalf of their member school districts and (ii) supervisory districts (i.e., single school districts that serve as their own supervisory unions) to perform on their own behalf.

FOR FURTHER INFORMATION, CONTACT: Emily Simmons, General Counsel, Agency of Education 1 National Life Drive, Davis 5, Montpelier, VT 05620-2501 Tel: 802-828-1518 Fax: 802-828-6430 Email: [emily.simmons@vermont.gov](mailto:emily.simmons@vermont.gov). URL: <https://education.vermont.gov/rules>.

FOR COPIES: Courtney O'Brien, Business Project Manager, Agency of Education 1 National Life Drive, Davis 5, Montpelier, VT 05620-2501 Tel: 802-595-4007 Fax: 802-828-6430 Email: [courtney.obrien@vermont.gov](mailto:courtney.obrien@vermont.gov).

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