

Final Proposed Filing - Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

**PLEASE REMOVE ANY COVERSHEET OR FORM NOT
REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Rule Series 2000: Education Quality Standards

/s/ Jennifer Deck Samuelson

(signature)

, on 4/19/2024

(date)

Printed Name and Title:

Jennifer Deck Samuelson, Chair, Vermont State Board of
Education

RECEIVED BY: _____

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Minutes
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:

Rule Series 2000: Education Quality Standards

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

23P 022

3. ADOPTING AGENCY:

State Board of Education

4. PRIMARY CONTACT PERSON:

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

Name: Kimberly Gleason, Member

Agency: State Board of Education

Mailing Address: 1 National Life Drive, Davis 5
Montpelier, VT 05620-2501

Telephone: 802-324-7145 Fax:

E-Mail: kimberly.g.gleason@vermont.gov

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

<https://education.vermont.gov/state-board-councils/state-board/rulemaking>

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: Sarah Buxton - Special Counsel

Agency: State Board of Education

Mailing Address: 44 East State Street
Montpelier, VT 05602

Telephone: 802-223-1112 Fax:

E-Mail: sarah@tarrantgillies.com

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:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

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. §§164 and 165

8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

16 V.S.A. §165 requires Vermont public schools to meet education quality standards (EQS) to carry out Vermont's policy that all Vermont students will be afforded educational opportunities that are substantially equal in quality. 16 V.S.A. §164(7) provides general authority for the State Board to adopt rules to carry out its powers and duties as directed by the General Assembly, within the limitations of legislative intent. The State Board's rules implementing 16 V.S.A. §165 are located in Rule Series 2000: Education Quality Standards. Further, in 2019 Act No. 1 ("An act relating to ethnic and social equity studies standards for public schools"), the Legislature established an Ethnic and Social Equity Standards Advisory Working Group, authorized in section 1(g)(2) to review and recommend changes to, among other things, State Board rules that concern or impact standards for student performance or curriculum used in schools. The Board considered these recommendations in revising this rule.

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 amendments to Rule Series 2000:Education Quality Standards(EQS)are designed to implement 2019 Act No. 1 ("An act relating to ethnic and social equity studies standards for public schools"), consistent with the legislative intent of both the Act and 16 V.S.A §165. The amended rule is intended to ensure that students in Vermont public schools (and independent schools seeking designation as an independent school meeting EQS) are afforded opportunities that are substantially equal in quality and are equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive. The rule enhances requirements that educators employ evidence-based practices that reflect diverse perspectives and foster inclusive learning environments. Districts are required to report new data, establish inclusive feedback & complaint procedures, and enable students to engage in ethnic and social equity studies. Expectations of student nondiscrimination and inclusion policies are expanded.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

The amendments to this rule are needed to implement the principles of 2019 Act No. 1, as described in the Act and summarized above. Technical amendments were also made to comply with the statutory changes and current practices, and to reflect alignment with Rule Series 100, District Quality Standards.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

The State Board reviewed the recommendations of the Act 1 Working Group and subsequent public comment regarding the need for more inclusive practices, culturally responsive learning environments and opportunities, and discriminatory protections in schools. After years of study, public input, and consideration, the State Board determined that there is a compelling need, evidenced by factual reports and studies (see Act 1 (2019) section 1(a)), to amend Rule Series 2000 to reasonably meet these needs and the goals of Act 1. The State Board strived to ensure that the proposed rule series is consistent with legislative intent, does not exceed the authority granted by its enabling legislation, is able to be implemented, and is aligned with current federal and state law and regulation.

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

The Vermont Agency of Education
Vermont State Board of Education
Vermont supervisory unions and supervisory districts.
Vermont School Districts and Public Schools.
Vermont independent schools seeking designation as an
independent school meeting EQS.
As to the above institutions: their boards,
administrators, teachers, special educators, support
staff - including health, counseling, transportation,
safety, and student support staff.
Students, families, and broader school community
members.
Vermont Human Rights Commission

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

The proposed rule series amends current Education
Quality Standards to implement the goals of Act 1. As a
result, to the extent a school district or supervisory
union/supervisory district might be required to alter
its expenditures to align with the amended EQS, these
are more likely to be a redirection of financial
resources (e.g., replacement of academic materials,
alignment of professional development). The State Board
anticipates that the economic impact of the proposed
rules themselves will be minimal. The greatest cost
will likely be the intentional investment of time and
resources to support educators in implementing these
amended Education Quality 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: 9/13/2023

Time: 06:30 PM

Street Address:

Zip Code:

URL for Virtual: URL for Virtual: Microsoft Teams

Meeting ID: 295 374 074 997

Passcode: pWvfs6

Or call in (audio only)

+1 802-828-7667,,784365723#

Phone Conference ID: 784 365 723#

Date: 9/28/2023

Time: 11:30 AM

Street Address:

Zip Code:

URL for Virtual: Microsoft Teams

Meeting ID: 248 193 899 80

Passcode: Pzf6dp

Or call in (audio only)

+1 802-828-7667,,726542768#

Phone Conference ID: 726 542 768#

Date: 10/3/2023

Time: AM

Street Address:

Zip Code:

URL for Virtual: Microsoft Teams

Meeting ID: 294 323 603 790

Passcode: 7dXyTp

Or call in (audio only)

+1 802-828-7667,,738952581#

Phone Conference ID: 738 952 581#

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

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

10/25/2023

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

Education quality standards

EQS

Rule Series 2000

Supervisory union

Supervisory district

School district

Education

Schools

School board

Equity

Ethnic group

Social group

Ethnic studies

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:
Rule Series 2000: Education Quality Standards
 2. ADOPTING AGENCY:
State Board 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 **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):
Secretary of State Rule Log #14-009, Rule Series 2000: Education Quality Standards; effective April 5, 2014, with a note stating, "Effective date was left blank so the minimum date allowed under 3 V.S.A. § 845(d) has been entered."



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: June 12, 2023, virtually via Microsoft Teams
Members Present: Chair Sean Brown, Brendan Atwood, Jennifer Mojo, Diane Sherman, Michael Obuchowski, Donna Russo-Savage, Nicole Dubuque and Jared Adler
Members Absent: John Kessler
Minutes By: Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the May 8, 2023 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2-7 to follow.
 1. Rule 5.400 5.400 Petitions to Construct Electric and Gas Facilities Pursuant to 30 V.S.A. §248, Public Utility Commission, page 2
 2. 5.100 Rule Pertaining to Construction and Operation of Net-Metering Systems (the "Net-Metering Rule"), Vermont Public Utility Commission, page 3
 3. Rule 5.500: Interconnection Procedures For Proposed Electric Generation Resources And Energy Storage Devices, Vermont Public Utility Commission, page 4
 4. Education Quality Standards (Rule Series 2000), State Board of Education, page 5
 5. Vermont Use of Public Waters Rules, Agency of Natural Resources, page 6
 6. Medicaid Coverage of Exception Requests, Agency of Human Services, page 7
- Committee discussion postpone to a future meeting date:
 - Potential resources available for proposed rules to be reviewed for copyediting prior to presenting to ICAR.
 - Use of terms 'regulation' and 'promulgation': Administrative Procedure Act rules are adopted. Regulations are not promulgated.
- Other business: Donna Russo-Savage resigned from ICAR effective with her retirement date of June 30, 2023.
- Next scheduled meeting is July 10, 2023 at 2:00 p.m.
- 3:54 p.m. meeting adjourned.

Proposed Rule: Education Quality Standards (Rule Series 2000), State Board of Education
Presented By: Jennifer Samuelson, Tammy Kolbe, Kimberly Gleason

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:

7. Proposed Filing – Coversheet, #8: Add a description as to what the rule is and what is being done.
8. Economic Impact Analysis:
 - a. #3: Include cross references to #4.
 - b. #4: Instead of using the reference to 'minimal', describe a category of costs and a range of how those costs might impact different districts depending on where they are.
 - c. #9: Describe 'how' as stated in the description and what data was used.

DRAFT

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:

Rule Series 2000: Education Quality Standards

2. ADOPTING AGENCY:

State Board 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:

The proposed amendments to Rule 2000, Education Quality Standards, establish a framework and set expectations that all Vermont public school students are afforded educational opportunities that are substantially equal in high quality and are equitable. The following people, enterprises, and governmental entities will potentially be affected by the adoption of this rule

and the estimated costs and benefits with its implementation:

Agency of Education and its employees

School districts and their boards

Supervisory Unions/Supervisory districts and their boards

Superintendents

Curriculum coordinators working in public school districts

Special education directors and student services directors working in public school districts

Diversity equity and inclusion coordinators working in public school districts

Building-level administrators working in public schools
Public school educators and school staff

Students, parents/guardians of students, community members in general

Agency of Education and its employees

School districts and their boards

Supervisory Unions/Supervisory districts and their boards

Superintendents

Curriculum coordinators working in public school districts

Special education directors and student services directors working in public school districts

Diversity equity and inclusion coordinators working in public school districts

Building-level administrators working in public schools
Public school educators and school staff

Independent Schools designated as meeting education quality standards

Students, parents/guardians of students, community members in general

Vermont Superintendents Association
VT School Boards Association
VT National Education Association
VT State Board of Education
VT Human Rights Commission
(See Below for Cost Impact)

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:

Associated Costs

The Vermont State Board of Education anticipates that the net expense of the amended rule will be minimal.

The likely economic impact for Supervisory Unions/Supervisory Districts, school districts, and public schools and their staff will depend on the Associated Costs

The Vermont State Board of Education anticipates that the net expense of the amended rule will be minimal.

The likely economic impact for Supervisory Unions/Supervisory Districts, school districts, and public schools and their staff will depend on the extent to which their existing policies, practices, and resources are aligned with the equity framework represented in the revised rule. There will be places where curriculum and instruction, professional resources, learning environments, strategic planning and engagement processes, and reporting already largely comply with the amended rule. Elsewhere, boards, administrators, and staff may need to:

1. Engage in alternative, supplemental, and ongoing professional development to encourage and support the instructional strategies required by the rule (Sections 2120.1 Instructional Strategies and 2121.3 Needs Based Professional Learning).

2. Revise existing and/or develop new curricular content to align with the rule's amended requirements (Section 2120.6 Curriculum Content Areas).

3. Align and/or create new policies to promote research, coordination, and professional learning that supports the rule's implementation (Section 2120.7 Curriculum Coordination).

4. Establish and make accessible an inclusive process for receiving feedback on the rule's implementation in a school (Section 2121.1 School Leadership).

5. Modify the learning environment to ensure equitable access to instructional materials (Section 2122.2 Access to Instructional Materials).

6. Modify or adopt new data and information infrastructure to support reporting requirements (Section 2124.2 Requirements for Disaggregating Student-level Data).

The expense associated with these tasks will vary by locality and as such cannot be precisely estimated, in part or in total. Additionally, where local education agencies incur additional expense, some portion may be paid for by redirecting existing resources or reprioritizing spending; not all efforts to comply with the rule will require new spending on the part of local education agencies.

Outside membership organizations may also incur an expense in their efforts to support local education agencies' efforts to comply with and implement the rule. For instance, these organizations may elect to develop guidance and technical assistance materials, offer trainings, and provide individualized technical assistance. The extent to which membership

organizations may engage in these activities is unknown. The expense associated with providing additional services may be paid for by the organization's membership fees and other fee-for-service arrangements with local education agencies or other funding source.

The Vermont Agency of Education is responsible for monitoring local education agencies' compliance with the rule. This is an existing responsibility, and the Agency indicated that it does not expect that it will require additional resources to fulfill its responsibilities with an amended rule.

The Vermont State Board of Education does not anticipate additional expense resulting from the proposed rule changes, beyond the legal expenses incurred through development of the rule, and any future support required for establishment and adoption of Ethnic and Social Equity Standards.

Associated Benefits

The amended rule reflects the intent and requirements of Act 1 (2019) to ensure all Vermont students have access to substantially equal and equitable educational opportunities, and will benefit Vermont students, families, schools, and communities. The pecuniary value of these benefits cannot be precisely estimated, in part or in total. However, the costs to Vermont students and families if schools fail to implement the changes called for in the EQS rule are well documented in the Findings section of Act 1.

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 State Board drafted the amended rule series in response to Act 1 of 2019. As the Education Quality Standards define the expectations for equitable educational experiences in Vermont public schools and independent schools designated as meeting education quality standards, these amendments are necessary to ensure alignment with the legislative intent of Act 1 and are the result of an intensive process that included active participation by a broad range of stakeholders.

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 State Board does not anticipate that the proposed rule 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 State Board does not anticipate that the proposed rule 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 amended rule includes standards that are currently required by statute and align with intention of Act 1. With minimal exceptions, costs arising from compliance with the rule series would occur even if only for compliance with the existing Education Quality Standards.

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

The State Board collected information on the potential economic impact of the rule through testimony (oral and written) provided to its EQS Committee and the full Board.

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:

Rule Series 2000: Education Quality Standards

2. ADOPTING AGENCY:

State Board 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 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 Anticipated

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

6. RECREATION: *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*
No Impact Anticipated

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

No Impact Anticipated

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

N/A

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

Because the proposed rule is solely concerned with the public education quality standards, and because all standards are based on existing statutory requirements or accepted best practices, the State Board of Education did not conduct a specific analysis of potential environmental impacts. The proposed rule impacts the curriculum and social environment of Vermont schools, with no potential impacts on the physical environment.

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:

Rule Series 2000: Education Quality Standards

2. ADOPTING AGENCY:

State Board 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:

The SBE's EQS Committee (comprised of co-chairs Kim Gleason and Tammy Kolbe; and initial members Patrick Brown, Tom Lovett, and Gabrielle Lucci, who were later replaced by Mohamed Diop, Richard Werner, and Grey Fearon) was charged with reviewing recommendations received from the Act 1 Working Group and considering other changes to the EQS rules for the purpose of policy coherence and alignment. The Committee's considerations for potential revisions to the EQS were framed and constrained by existing statute, particularly Act 1 of 2019, 16 V.S.A. 165, and 16 V.S.A. 164(9).

The Committee carefully reviewed existing statutory requirements, the Act 1 Working Group's recommendations, technical recommendations proposed by the AOE, and recommendations from the field to draft revisions to the EQS that are implementable.

The EQS Committee work began with review of those sections of the rule series that received the most

Public Input

substantial recommended changes from the Act 1 Working Group.

- Section 2114 Definitions reflected recommendations for revisions to existing terms and the addition of definitions for several new terms. Recognizing that a common understanding of the terms within the document is foundational to the ability to carry out the directives of the EQS rule series, the Committee took testimony throughout the summer of 2022 from many stakeholder groups and associations. This stakeholder testimony informed the Committee revisions to the Section 2114 Definitions.

- Section 2120.1 Instructional Strategies and Section 2120.5 Curriculum Content.

The next several meetings invited testimony from practitioners in the field. The Committee asked the presenters to reflect on the recommended revisions and consider the following questions:

1. Are the rules clear as written?
2. Do they strike an appropriate balance between offering enough detail to be understood and enough flexibility to ensure application in a local context?
3. Are these rules able to be operationalized in our schools?

The Committee invited practitioners from the field to testify and provide input on these questions. Universally, the Committee heard that the proposed changes are clear, strike an appropriate balance, and can be operationalized in our schools. Without exception, the representatives from the field that came before us welcomed these revisions to align with the values of their school districts and the needs of their students.

The AOE offered technical suggestions and provided responses to clarifying questions throughout the process. The AOE also offered recommendations for alignment with the proposed Draft District Quality Standards/Quality Assurance Review (DQS/QAR) that will form Rule Series 100. The Act 1 Working Group was consulted and provided feedback on EQS Committee

Public Input

questions and considerations for edits throughout the process.

The EQS Committee consulted with independent outside counsel and the document presented for consideration underwent a legal review for consistency with existing statute. The Committee held a public listening session on November 30, 2022, and heard from more than 30 participants. All were in support of the recommended changes to the EQS.

Additionally, the Committee heard from and considered recommendations from Jewish Communities of Vermont, the Vermont School Boards Association, Vermont Superintendents Association, Vermont Principals Association, Vermont-National Education Association, Vermont Curriculum Leaders Association, Vermont Special Education Advisory Panel, Vermont Student Anti-Racism Network, and the Vermont Independent Schools Association (VISA).

All organizations expressed support for the values of equitable, anti-racist, culturally responsive, anti-discriminatory and inclusive educational opportunities for Vermont students, as articulated in the proposed revisions to the EQS. VISA supported the substance of the rule but did not support extending application of the EQS rule to independent schools.

On April 10, 2023, the EQS Committee ratified the proposed updates to the rule series by a unanimous vote. The Committee agreed that the issue of whether to apply the EQS rule series to independent schools or whether instead to extend Act 1's principles and goals to approved independent schools via the rules governing the approval of independent schools (Rule Series 2200) was an issue to be discussed and resolved by the full State Board.

Subsequently, the State Board held two special meetings (April 13, 2023, and May 11, 2023, for a total of four hours) to review, consider and provide feedback to the proposed amendments to the Education Quality Standards. On May 17, 2023, the State Board voted unanimously to approve the amendments to the Education Quality Standards and began the APA rulemaking process. At that

Public Input

meeting, the Board also decided to re-open Rule Series 2200 in order to apply the principles and goals of Act 1 to approved independent schools.

Three virtual public hearings were held during September and early October. During the public comment period, the Board finalized its proposed amendments to Rule 2200: Independent School Program Approval, which contained several provisions that were intended to be substantially the same as proposed modifications to this rule (EQS). During that process and timeframe, changes were made to language taken from modifications to this rule (EQS) and included in Rule 2200. The Board posted a memo on the designated rulemaking site acknowledging the changed language and announced its intent to reconcile the parallel provisions to the extent possible in the final versions of each rule. To promote opportunity for extended public feedback on these provisions, it announced an extension of this rule's public comment period (by ten days) and also announced that comment received about either rule under each rule's comment period would be accepted and considered as it pertained to the sections or rule commented upon. The Agency of Education also shared this announcement on its list serves to stakeholders.

After the public comment period ended for this rule and Rule 2200, the EQS Committee held eight more public working sessions and the Board held six more full meetings, with opportunities for public comment at each meeting. The EQS Committee and Board posted working drafts of this rule as comments were processed and addressed. The Board's final meeting to approve this rule was held in person with a virtual option, to allow maximum opportunity for final public comment.

The Board received 99 individual written comment submissions and 56 individual oral comments.

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

Please see response to question 3.

Description of Specific Changes Made in Final Rule

Vermont State Board of Education
Rule 2000: Education Quality Standards [#23P022]

What follows is a section-by-section explanation of where substantive changes have been made to Rule 2000: Education Quality Standards. In sections where substantive changes exist, a brief description of the change follows in **BOLD UNDERLINED** text. Throughout the Rule, previous uses of the word “school” have been updated to reflect which local educational entity carries the responsibility for the matter referenced. The Board selected the largest local unit of governance (the supervisory union or supervisory district) in cases where the duty was not otherwise assigned in law or universally adopted in practice to be something else.

2100. Statutory Authority

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

- **CHANGES IN THESE RULES IMPLEMENT THE SPIRIT AND INTENT OF ACT 1 (2019)**

2105. Statement of Purpose

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

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

These rules prohibit discrimination against any student pursuing an education or participating in the general life or activities of a school because of or based on any actual or perceived protected class consistent with state and federal law. No student shall be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity as the result of, or based upon, the student's race, gender, color, creed, religion, national origin, marital status, sexual orientation, gender identity, or disability, or any other reason set forth in state or federal law.

In addition to the non-discriminatory protections in Section 2113 (Federal and State Entitlements Nondiscrimination; Federal and State Requirement; Student Records), discriminating against any student pursuing an education or participating in the general life or activities of a school as a result of or based upon, ethnicity, caste, language and linguistic diversity, socio-economic status, housing status, or non-citizenship or immigration status, is contrary to the State Board’s intent that all students experience an equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive learning environment.

These rules further require each supervisory union, supervisory district and school district, to strive for a culturally responsive pedagogy that critically examines and imparts a comprehensive historical and socially conscious understanding of:

(a) the causes and effects of bias and discrimination as a result of, or based upon, the reasons set forth in Section 2113 (Federal and State Entitlements Nondiscrimination; Federal and State Requirement; Student Records) and in this Statement of Purpose;

(b) why all persons should have equitable access to social and economic opportunity;

(c) why persons and institutions must identify and prevent individual, group, and systemic racism, discrimination, and all forms of unfair treatment; and

(a)(d) the positive and multi-faceted contributions of different social, cultural, racial, linguistic, ethnic, and indigenous groups to the historical and ongoing project of building and strengthening democracy in the United States and globally.

- **NEW LANGUAGE (MODIFIED FROM RECOMMENDATIONS FROM ACT 1 WORKING GROUP). SUMMARIZES THE PURPOSE OF THE CHANGES MADE IN THIS RULE.**

2110. Definitions

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

~~1. "Academic record" may include standardized test scores, dates of attendance, alternate graduation plan, Personalized Learning Plan, rank in class, awards, activities, clubs and other information not included in a student's transcript, as locally determined.~~

- **MOVED TO BODY OF THE RULE IN SECTION 2113.3**

~~2. "Applied learning" means the presentation of subject matter in a way that integrates a particular academic discipline (such as mathematics, science or English) with life experiences both in school and out of school and with personal workforce applications.~~

- **NOT USED IN THE RULE AS AMENDED.**

"Anti-discriminatory" practices are actions, behaviors, programs and policies by school staff, students, school boards, contractors, and community members involved in the daily operations of schools that are necessary to counter discrimination, and that promote a fair, just and equitable learning environment for all students.

- **NEW TERM.**

"Anti-racist" practices are actions, behaviors, programs, and policies designed and/or implemented by school staff, students, school boards, contractors, and community members involved in the daily operations of schools that are necessary to counter racism and that promote a racially inclusive learning environment for all students.

- **NEW TERM.**

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

- **UPDATED DEFINITION.**

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

- **NEW TERM.**

“Civic and Community Engagement” refers to individual and/or collective actions that identify and address issues of public importance, and that provide people with opportunities that contribute to the current and future development of their communities and a democratic society. Civic and community engagement can take place in a variety of formal and informal settings, including, but not limited to, those in governance and electoral politics, educational, cultural, and recreational activities, community service and social justice movements.

- **NEW TERM.**

“College and Career Readiness” means the student's ability to a student possesses the knowledge, learning strategies, and foundational skills to enter the workforce or, to pursue postsecondary education or training without the need, and to adapt successfully to employment and academic or training environments that are socially and culturally inclusive.

- **UPDATED DEFINITION.**

“Critical thinking” is the objective examination of an issue to discern or form a judgment based on evaluating evidence, checking assumptions, and adopting multiple perspectives to better understand the question at hand.

- **NEW TERM.**

“Culturally and Linguistically Diverse Students” are those who are members of home, cultural, or social environments whose experience and success is enhanced by schools demonstrating respect for remediation. The student must possess the foundational skills and learning strategies necessary to begin studies in a career pathway in order to be considered college and career ready a multitude of linguistic competencies and fostering systems of academic and social inclusion that acknowledge the fundamental importance of such competencies. Linguistic competencies are cultural and linguistic resources that students, families and communities draw upon, including, but not limited to, a variety of languages, including Indigenous languages, multiple-sign languages, and African American Vernacular English and other dialects.

- **NEW TERM.**

6. “Educational Technology” means instruction and/or preparation in the appropriate use of current technology to provide students with the knowledge and skills needed to communicate, solve problems, and to access, manage, integrate, evaluate and create information.

- **NO LONGER IN RULE.**

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

- **NEW TERM.**

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

- **NEW TERM.**

"Educator Mentoring" means is the pairing of a mentor with an educator who is either new to the profession or new to the school in order to provide training, orientation, assistance, and support. Further, for the purposes of this rule, a ~~1 mentor~~ "mentor" is an educator who has demonstrated high-quality instructional practice and who has been provided training in mentoring.

- **UPDATED DEFINITION.**

8. "Equity" or "Equitable," as referenced in these rules in relation to schools or educational programs, results in each student receiving the resources and educational opportunities to learn and thrive in all aspects of learning, school life, career technical education, and community-school interactions, and to discover and cultivate their talents and interests. To be achieved, equity requires an inclusive school environment and may necessitate an unequal distribution of resources and services based on the needs of each student.

- **NEW TERMS.**

"Ethnicity" embodies a wide range of criteria used to identify ethnic groups, such as a common history, ancestry or culture, national, social or geographic origin, skin color, language, religion, tribe or indigenous people (including the Indigenous Peoples of Vermont), or various combinations of these characteristics, and may reflect a legally protected class of people in some contexts.

- **NEW TERMS.**

"Evidence-based" has the same meaning as 20 U.S.A.7801(21) and applies practices and activities that are consistent with research on how students communicate, behave, learn, and thrive in ways that are developmentally and socially appropriate and have positive and lasting effects on their education and personal growth.

- **NEW TERM.**

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

- **NEW TERMS.**

"Intercultural Competency" describes practices and actions to pursue deep understanding, mutual respect, and willingness to learn about the cultures of all people, especially those who have been marginalized, silenced, and/or undervalued.

- **NEW TERM.**

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

- **NEW TERM.**

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

- **NEW TERM.**

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

- **UPDATED TERM.**

~~9. "Personalized Learning Plan" means a plan developed on behalf of a student by the student, a representative of the school, and, if the student is a minor, the student's parents or legal guardian, and updated at least annually. The plan shall be developmentally appropriate and shall reflect the student's emerging abilities, aspirations, interests and dispositions. Beginning no later than in the seventh grade, the plan shall define the scope and rigor of academic and experiential opportunities necessary for the student to successfully complete secondary school and attain college and career readiness.~~

- **DEFINED IN LAW.**

~~10. "Neurodiversity" refers to the natural and important variation in how human minds think and is not to be cured or corrected to fit social norms. These differences can include, but are not limited to, autism, attention deficit hyperactivity disorder, dyspraxia, dyslexia, dyscalculia, and Tourette Syndrome.~~

- **NEW TERM.**

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

~~11. ""Proficiency-Based Graduation Requirements" are the locally determined set of content knowledge and skills aligned to state standards that, when supplemented with any additional locally developed requirements, have been determined to qualify a student for earning a high school diploma. The requirements shall be clear, shared learning expectations that empower students and provide opportunities for choice in learning experiences and accord multiple ways to demonstrate proficiency in knowledge and skills. In this system, "Proficiency-Based-Graduation-Requirements" are supervisory union- or supervisory district-wide learning objectives used by educators and students to drive instruction and assess growth in new learning.~~

- **UPDATED TERM.**

"Race" embodies an invented or socially constructed concept that is used to categorize groups and cultures on the basis of physical differences transmitted through descent, like skin color, and may reflect a legally protected class of people in some contexts.

- **NEW TERM.**

"Racism" embodies the theory, belief, or act of making value judgements that are based on racial, ethnic, or cultural differences, or which advances the claim that racial, ethnic, or cultural groups are inherently superior or inferior, thus explicitly arguing or implying that some groups are entitled to dominate, exploit, exclude, or

eliminate others presumed to be inferior. Racism is practiced by individuals and groups, and it is expressed systematically through the structures, laws, regulations, practices and policies of public and private institutions, employers, and organizations.

- **NEW TERM.**

“Restorative Practices” refer to whole-school, relational approaches to building school climate and addressing student behavior that fosters belonging over exclusion, social engagement over control, and meaningful accountability over punishment. They encourage members of the school community to be constantly present, attending to needs as they arise. They exercise the ability to be dynamic rather than static in a given response. Restorative approaches also begin with proactive structures to build positive relationships and communication and create a space for people to express themselves—their strengths, assets, responsibilities, and also their vulnerabilities. Neither restorative approaches, practices, processes, nor programs shall remove or lessen to any degree a supervisory union, supervisory district, or school’s responsibility under Vermont law and policy to investigate, call out, name, and discipline behaviors that violate the Agency’s “Policy on the Prevention of Harassment, Hazing and Bullying” (HHB) and Federal Title IX.

- **NEW TERM.**

“School” means refers to an organizational structure designed to facilitate student learning. This could include an individual public-school building or a combination of public-school buildings schools with one administration, either of which inclusive of outdoor recreation areas, paths, and facilities, and could include learning opportunities both within and outside of the school building buildings and school day. It also includes career technical education centers, as specified in 16 V.S.A. Chapter 37, and virtual learning experiences and opportunities offered by the school, supervisory union, or supervisory district. Where the context suggests that a school “school” take some an action, the action shall be taken by the superintendent or such school officials as are official designated by the superintendent, unless otherwise specified herein or elsewhere in law or regulation. School includes a technical center.

- **UPDATED TERM.**

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

- **UPDATED TERM.**

13. “Superintendent” “Social Identity Group” refers to a group of people who share common characteristics that shape their identity and promote a sense of unity, including sex, sexual orientation, gender identification, disability, class, socio-economic status, or other characteristics that are fundamental to identity.

- **NEW TERM.**

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

- **UPDATED TERM.**

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

- **UPDATED TERM.**

~~17. "Transferable skills" refers to a broad set of knowledge, skills, work habits, and character traits that are believed to be critically important to success in today's world, particularly in collegiate programs and modern careers.~~

- **MOVED FROM DEFINITION SECTION TO 2105.6.**

- **NOTE: SUPERINTENDENT AND SUPERVISORY UNION ARE REMOVED FROM DEFINITIONS BECAUSE THEY ARE DEFINED IN LAW.**

2112. Education Quality Standards

To carry out Vermont's policy that all Vermont students will be afforded educational opportunities that are substantially equal in quality, and to ensure continuous improvement in student performance, each supervisory union, supervisory district, school district, and school to which these rules apply, pursuant to 16 V.S.A. § 165 shall meet the following education quality standards and annually report to their communities in an understandable, inclusive, and comprehensive form as required in 16 V.S.A. §165(a)(2). Independent schools seeking designation that they meet education quality standards pursuant to 16 V.S.A. §165(f) must also meet the standards outlined in these rules except where doing so is otherwise contrary to Title 16 of the Vermont Statutes Annotated or the school is otherwise directed in state law. As these rules relate to independent schools designated as meeting education quality standards and unless the context suggests otherwise, duties assigned to supervisory unions, supervisory districts, school districts, or schools shall all be assigned to the independent school; duties assigned to school boards shall all be assigned to the independent school's governing board; and duties assigned to superintendents and principals shall be assigned to the school's head of school.

- **EXPANDS AND MORE ACCURATELY DESCRIBED EQS. CLARIFIES HOW THE RULES APPLY TO INDEPENDENT SCHOOLS WHO SEEK DESIGNATION AS MEETING EDUCATION QUALITY STANDARDS.**

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

- **REORGANIZED SECTION TO GROUP COMMON REQUIREMENTS IN THE RULE.**

2113.3 Federal and State Requirements; Student Records

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

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

- **REORGANIZED SECTION TO GROUP COMMON REQUIREMENTS IN THE RULE. SAME SUBSTANCE.**

-(c) Student Record Maintenance and Retention.

1. For the purposes of this section, a transcript is a formal document record certifying and documenting a student's or former student's achievement of state standards and student's academic achievements and shall include, at a minimum includes, the student's name, date of birth, last known address, years/dates of attendance, courses taken, out-of-school learning opportunities/grades or proficiencies achieved, credits or credentials awarded, and standardized test scores, if applicable, and diploma or certificate of

~~completion awarded.~~ An academic record includes a student's transcript and may also include alternate graduation plans, an Individualized Education Program, a 504 Plan, personalized learning plan, rank in class, awards, activities, clubs, and other information not included in a student's transcript. The academic record shall not include documents, notes, records, or descriptions of a student's disciplinary history. Academic records are not the same as education records, as referenced in the federal Family Educational Rights and Privacy Act (FERPA).

- **DEFINITION OF TRANSCRIPT AND ACADEMIC RECORD MOVED TO BODY OF RULE (HERE).**

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

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

- **EXPANDED DESCRIPTION OF RECORD MAINTENANCE AND RETENTION REQUIREMENTS.**

2120. Instructional Practices and Curriculum Development

2120.1. Instructional Strategies

~~Instructional practices~~ Educators shall promote personalization for and high expectations so that each student, and enable each student to may successfully engage in the curriculum and meet the graduation requirements with the curriculum delivered and meet graduation requirements. Practices employed by educators shall include examining and teaching a subject from multiple academic perspectives and encouraging students to engage with and synthesize diverse perspectives and narratives, including those from the students' lived experiences, into a coherent understanding or analysis. Classroom instruction shall include a range of researchevidence-based instructional practicesstrategies that most effectively improve student learning and engage all students, as identified by national and Vermont guidance, and locally collected and analyzed student data.

Educators shall be supported in:

(a) examining their own identities and biases;

(b) fostering a learning environment that recognizes multiple ethnic, cultural and racial perspectives; presents and critiques historical counter-narratives; and encourages students to examine issues and expressions of social equity within and beyond the classroom or school;

(c) modeling and setting high expectations for all students - regardless of a student's prior academic experience, family background, socio-economic status or (dis)abilities and promoting respect for student differences;

(d) recognizing the essential role that language acquisition and literacy play in the lives of students, especially culturally and linguistically diverse students, not only in respect to listening, speaking, reading, and/or writing, but as home and community practices that shape a culturally responsive understanding of students' social, racial, linguistic, and ethnic identities, of their communities, and of their world;

(e) communicating in culturally and linguistically responsive ways;

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

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

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

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

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

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

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

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

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

- **NEW SECTION; LANGUAGE BASED LARGELY FROM RECOMMENDATIONS OF ACT 1 WORKING GROUP.**

2120.2. College and Career Counseling; Flexible Pathways

Schools, supervisory unions, supervisory districts, and schools must ensure that students receive appropriate college and career counseling and program information regarding the availability of education and apprenticeship program offerings at career technical education centers and must provide students the opportunity to experience learning through flexible and multiple pathways, including but not limited to career and technical education, virtual learning, work-based learning, service learning, internships, apprenticeships, community research, civic and community engagement, dual enrollment, and early college. Learning must occur

under the supervision of an appropriately licensed educator. Learning expectations must be aligned with ~~state~~the expectations and standards.

of the supervisory union or supervisory district curriculum for the applicable content area. Students must be allowed to demonstrate proficiency by presenting multiple types of evidence, including but not limited to teacher -or student-designed assessments, portfolios, performances, exhibitions, and projects.

- **MINOR UPDATES.**

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

(a) integrate understanding and respect for the diversity of cultural, racial, ethnic, linguistic, and social identities and experiences that shape and impact learners' lives and integrate that understanding into the supervisory union and supervisory district's planning and procedures related to flexible pathways;

(b) recognize and reduce social and economic barriers to accessing flexible pathways;

(c) recognize the lived experience of students who are neurodiverse and/or have disabilities;

(d) offer resources and learning opportunities that incorporate the civil and individual rights of and highlight the importance of inclusion of people with disabilities in society;

(e) communicate to students and parents and legal guardians how they can learn about, access and benefit from flexible pathways through different means and in easy-to-understand language that is linguistically appropriate and culturally responsive, including in their home languages and in accessible formats;

(f) Monitor and report annually on general participation rates, continuous improvement metrics, the proportional representation of ethnically, racially, linguistically, and socially diverse student populations in the program, resource allocations and their effects on ensuring equitable access to the program, and any obstacles to student participation in whole or for particular groups of students; and

(g) Provide students with flexible pathways opportunities, consistent with 16 V.S.A. §941, to have as part of their learning experiences quality interactions with teachers and other adults who represent a range of cultural, ethnic, racial, linguistic, and social diversity.

- **NEW SECTION; PROVIDES MORE DETAIL ON DEVELOPING, SUPPORTING, AND PROVIDING FLEXIBLE PATHWAYS TO LEARNING; LANGUAGE BASED LARGELY FROM RECOMMENDATIONS OF ACT 1 WORKING GROUP.**

2120.3. Career Technical Education

~~Schools~~School districts serving grades ~~9-12~~nine through twelve shall coordinate with their designated career and technical education center to ensure genuine access and support for all eligible students as required ~~in~~by 16 V.S.A. §1541a. Any eligibility requirements for a given career technical education program need to be equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive. Eligibility requirements shall be clear, accessible, and communicated in languages that are accessible by students, parents/legal guardians, and staff. Schools shall ensure that students receive appropriate career counseling and ~~program information regarding the availability of education and apprenticeship program offerings at~~shall offer a genuine opportunity for students

to access career and technical center programs. Demonstrations of learning such as credits or grades earned in an approved career and technical education course or program are subject to the requirements of 16 V.S.A. §1545.

- **UPDATED; INCLUDES LANGUAGE IMPLEMENTING INTENT OF ACT 1.**

2120.4. Personalized Learning Plans.

As required in 16 V.S.A. §941, schools, school districts shall ensure all students in grades seven through 12 shall have twelve are engaged in an ongoing personalized learning planning process that is documented by a Personalized Learning Planpersonalized learning plan, which shall be a written document developed by and for the student, with a representative of the school and, if the student is a minor, the student's parent or legal guardian. The Personalized Learning Planpersonalized learning plan shall describe the scope and rigor of learning opportunities and support services-supports necessary for the student to students to develop aspirations, achieve college and career readiness prior to graduation, and to, attain a high school diploma, and participate confidently in the civic, cultural, and social life of their school system, community, state and nation. This plan must be reviewed at least annually by November 30.

- **UPDATED.**

2120.5. Tiered System of Support

[Prior to July 1, 2024, this Section 2120.5 was named "Curriculum Content" and "Tiered System of Support" was numbered as Section 2121.5.]

In accordance with 16 V.S.A. §2902, each school district shall ensure that a tiered system of academic and behavioral supports is in place to assist all students in working toward attainment of the standards. This system will result in the collaboration of all adults to meet the academic, behavioral, social, and emotional/mental health needs of each and every student. Supports are provided as layered high-quality, evidence-based instruction, intervention, and assessment practices that are matched to student strengths and needs, based on the effective and timely use of meaningful data. This system shall be aligned with each school's personalized learning plan process. Each school district shall assign responsibility for developing and maintaining the tiered system of supports either to the superintendent pursuant to a contract entered into under 16 VSA §267 or to the school principal.

Vermont's preK-12 tiered system of supports aligns the components of early multi-tiered systems of support (Early MTSS) with those of the VTmtss Framework to ensure a continuous, comprehensive, and integrated system of supports for every preK-12 student.

Through personal learning plans, Individual Education Programs, education support teams, and Section 504 plans, educators shall work with students and their families to facilitate two-way communication and cooperative efforts to support each student's success. These learning plans shall address individual needs with a tailored plan designed to help students personalize their learning, meet state learning standards, and remain on track to graduate. Federal and state law, and State Board rule, have required these plans over time to ensure equity for students.

A student's personalized learning plan shall help inform the structures and services put in place to support individual student learning. Provision of specific student supports, including relevant accommodations, shall be detailed within a student's Individualized Education Program or 504 plan as required by federal law. Tiered

systems of support should also integrate elements of early multi-tiered systems of support, as relevant, to ensure that comprehensive and integrated systems of support are in place for all preK-12 students.

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

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

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

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

- **UPDATED AND REORGANIZED. FORMERLY SECTION 2121.5. NOW INCLUDES DEFINITION OF EDUCATION SUPPORT TEAM, PARAGRAPHS RE: COUNSELING AND HEALTH SERVICES, AND MORE DETAILED DESCRIPTIONS OF HOW PLANS AND SERVICES SHOULD BE STRUCTURED.**

2120.6. Curriculum Content Areas

[Prior to July 1, 2024, this Section 2120.6 was named "Curriculum Content" and appeared at Section 2120.5. The section now numbered as 2120.7, named "Curriculum Coordination," appeared here as Section 2120.6.]

~~Each supervisory union board shall ensure the written and delivered curriculum within their or supervisory union district shall develop documented curriculum that is aligned with the standards approved by the State Board of Education. Each school shall. The curriculum shall be equitable, anti-racist, culturally responsive, anti-discriminatory, inclusive, and accessible to families and community members. Knowledge of diverse cultures, languages, and perspectives shall be incorporated into learning activities and curriculum design, including connecting students' life experiences and ways of learning, to help students to access rigorous curriculum and develop higher order thinking skills.~~

• **UPDATED WITH CONTENT SUPPORTING INTENT OF ACT 1. CLARIFIES THAT SU/SD'S ARE RESPONSIBLE FOR CURRICULUM.**

Each school district shall enable students to engage annually in rigorous, relevant, and comprehensive learning opportunities that allowsallow them to demonstrate proficiency in the content areas (a) – (h) below.

~~a. literacy (including critical thinking, language, reading, speaking and listening, and writing);~~

(a) English language arts and literacy, including critical thinking, language, reading, spelling, comprehension, speaking and listening, and writing. Demonstrating proficiency in literacy includes the ability to engage with language to acquire, construct and communicate meaning, and to shape meaning to identity in aspects of daily living. All students need to receive systematic reading instruction in the early grades from a teacher who is skilled in teaching reading through a variety of evidence-based instructional strategies that take into account language knowledge and skills, as measured by effective assessments (e.g., screening, formative, summative, and diagnostic) and the linguistic background of each student. Some students may require intensive supplemental instruction tailored to the unique difficulties encountered, irrespective of special education eligibility.

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

~~€(c) Science and engineering practices, cross-cutting concepts, and disciplinary core ideas, scientific inquiry and content knowledge (includingthat include the concepts of life sciences, physical sciences, earth and space sciences and, engineering, and technology design);~~

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

~~(e-physical) Physical education and health education, as defined in 16 V.S.A. §131-13, and~~

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

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

Each school shall1. provide students in grades Kk-8 with at least two physical education classes per week. Each school shall provide and students in grades 9-12nine through twelve with one and one-

half years of physical education or the equivalent thereof, at a minimum; and aligned with the school district's proficiency-based learning and graduation requirements;

Each school shall 2. offer options for students in grades K-k-12 to participate in at least 30thirty minutes of physical activity within or outside of the school day. Physical activity may include recess and movement built into the curriculum, but does not replace physical education classes; and

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

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

(f) Artistic expression and core arts disciplines such as dance, media arts, music, theater, and visual arts, in alignment with the standards that have been approved by the State Board.

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

(h) Ethnic and social equity studies, as described in Act 1 (2019), which promotes critical thinking regarding the history, contribution, and perspectives of ethnic groups and social groups.

~~Each school district shall ensure students are able to access academic and experiential learning opportunities that reflect their emerging abilities, interests and aspirations, as outlined in the students' Personalized Learning Planspersonalized learning plans.~~

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

• **UPDATED. MORE ACCURATE AND DETAILED DECRPTION OF CONTENT AREAS. INCLUDES NEW ETHNIC AND SOCIAL EQUITY STUDIES CONTENT.**

2120.7. Curriculum Coordination

~~As required in 16 V.S.A. §261a(a)(Prior to July 1), the board of each supervisory union shall ensure that each, 2024, this Section 2120.7 appeared at Section 2120.6. The section now numbered as 2120.8 "Graduation Requirements," appeared here as Section 2120.7.]~~

~~Each school implements the supervisory union's~~Each school district shall implement a written and delivered curriculum, which shall be developed pursuant to Section 2120.6 (Curriculum Content Areas) that is:

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

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

(c.) coordinated across the supervisory union or supervisory district, including sending high schools and career technical education centers;

(d.) informed by ongoing review of new research, changing learning opportunities, and updates to the standards approved by the State Board of Education;

(e.) designed to enable all students to achieve the graduation requirements; and

(f.) integrated with technology across all disciplines.

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

Each supervisory union, supervisory district, and school district board shall align existing policies and create new policies as needed to accomplish the following:

(a) promote research, coordination and professional learning that leads to the development of age-appropriate and grade-appropriate programming and resources in ethnic studies that are integrated into all learning content areas in Section 2120.6 (Curriculum Content Areas) and that are responsive to the developmental needs of all students, pre-kindergarten through grade 12; and

(b) create systems for regularly, systematically, and continuously evaluating performance in attaining the above goals.

- **UPDATED POLICY REQUIREMENTS TO REFLECT CHANGES IN THE RULE.**

2120.8. Graduation Requirements

[Prior to July 1, 2024, this Section 2120.8 "Graduation Requirements" appeared at Section 2120.7. The section then numbered as 2120.8 "Local Graduation Requirements," has been modified and appears now as part of this Section 2120.8 "Graduation Requirements."]

A student meets the requirements for graduation when the student demonstrates proficiency in the learning content outlined in Section 2120.6 (Curriculum Content Areas) and completes any other requirements specified by the board of the school district attended by the student.

For students eligible for special education services under IDEA or protected by Section 504 of the federal Rehabilitation Act, the student shall meet the same graduation requirements as typical peers in an accommodated and/or modified manner. These modifications will be documented in each student's personalized learning plan.

The student's Individual Education Program team or 504 team is responsible for assuring that information regarding the student's individual skills, aptitudes and present levels of performance are incorporated into the student's personalized learning plan. This shall ensure that the proficiency levels to meet graduation

requirements are linked to local graduation requirements, individually accommodated and/or modified for students with disabilities and written into the student's personalized learning plan.

This process shall ensure that any student identified as a student with a disability will receive a regular high school diploma after meeting their individual graduation requirements as outlined in their personalized learning plan. The development of an Individual Education Program does not supplant a personalized learning plan, nor does a personalized learning plan replace an Individual Education Program.

Supervisory unions and supervisory districts must provide appropriate programs and accommodations that ensure English Language Learner (ELL) students have access to grade-level curricula so they can meet promotion and graduation requirements. These programs and accommodations must be documented in each student's personalized learning plan.

- **UPDATED. INCLUDES ELL ACCOMODATION REQUIREMENTS.**

~~Graduation policies~~~~Local Graduation Requirements.~~

~~Each secondary school board is responsible for setting graduation requirements in accordance with these rules.~~

- **UPDATED. SUBSECTIONS COMBINED. MAKES CLEAR THAT SU/SD SET PROFICIENCY-BASED GRADUATION REQUIREMENTS, BUT THAT SCHOOL DISTRICTS MAY HAVE ADDITIONAL REQUIREMENTS (E.G. CAPSTONE PROJECT, ETC.)**

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

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

2121 School Leadership; Professional Resources

2121.1. School Leadership-

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

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

Supervisory union, supervisory district, and school district boards shall establish and make accessible an inclusive process for receiving public feedback, to include students, legal guardians, and staff feedback regarding their experiences in the school system, especially as it relates to racial, ethnic, or social identity group experiences. Boards and school leadership must also establish procedures for handling and responding directly to complaints regarding compliance with school policies, practices, and these Education Quality Standards. These documented complaints and responses shall be included in annual reporting to the Agency as required in Section 2126 (System for Determining Compliance with Education Quality Standards).

- **UPDATED TO REFLECT REQUIREMENTS FOR INCLUSIVE COMMUNITY ENGAGEMENT AND FEEDBACK. ADDS COMPLAINT AND RESPONSE POLICY REQUIREMENT.**

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

~~(a.) supervise a licensed principal~~ (a.) supervise principals and career technical education center directors, as applicable, who shall be responsible for the day-to-day leadership of ~~the~~ their school or center;

~~(b.) create a school leadership team consisting of administrators and teachers (and students as appropriate) with compensation either in time or financial reimbursement, or a combination of both, for all teachers;~~

~~(c.) create professional learning groups for all teachers that meet during school time at least two hours per month and are facilitated by trained teachers;~~

~~(d.) engage in professional development coursework and professional learning opportunities to understand and advance equity across the supervisory union or supervisory district;~~

- **ADDED TO HELP IMPLEMENT INTENT OF ACT 1.**

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

~~1. 1-teaching a course or hosting an advisory with students;~~

~~2. mentoring a group of students in developing their ~~Personalized Learning Plans~~ personalized learning plans;~~

~~3. providing support for students through support services; or~~

~~4. promoting other methods of student engagement as approved by the superintendent.~~

~~e. (f) provide teacher support and evaluation aligned with the guidelines approved by the State Board of Education; and~~

~~f. (g) minimize, as much as possible, supervision of non-teaching staff by the principal.~~

The principal shall be answerable to the superintendent in the performance of ~~his or her~~their duties.

~~Schools with 10 or more full-time equivalent teachers shall employ a full-time licensed principal. Schools with fewer than 10 FTE teachers shall employ a licensed principal on a pro-rata basis.~~

2121.2. Staff

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

Instructional

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

2121.2.1 Staffing Requirements

Schools with ten or more full-time equivalent teachers shall employ a full-time licensed principal. Schools with fewer than ten full-time equivalent (FTE) teachers shall employ a licensed principal on a pro-rata basis.

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

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

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

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

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

The Vermont Department of Health recommends implementing the School Nurse Leader School Health Services Delivery Model, which is consistent with the principles of the national Coordinated School Health Model, to ensure appropriate access and coverage.

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

- **SECTION REORGANIZED TO INCLUDE REFERENCES TO STAFFING REQUIREMENTS THAT HAD BEEN IN OTHER SECTIONS OF THE RULE.**

2121.2.2 Class Size

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

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

- **NEW SECTION; NOT NEW REQUIREMENTS.**

2121.3. Needs Based Professional Learning

Each supervisory union or supervisory district shall develop and implement a system of appropriate needs-based professional learning for all professional staff, including administrators and other staff involved in student instruction, as follows. This shall include ongoing resources and supports to create and strengthen an equitable, anti-racist, anti-discriminatory, and culturally and linguistically responsive, and inclusive school experience for all students and to cultivate the knowledge, skills and practices required in 16 V.S.A. §261a(a)(5) to identify and remediate discrimination because of, or based upon, the reasons set forth in Section 2113 (Federal and State Entitlements Nondiscrimination; Federal and State Requirement; Student Records), and in the Statement of Purpose. Time for professional learning shall be embedded into the school day agreed-upon scheduled times for school employees as defined by collective bargaining agreements where they exist.

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

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

- **UPDATED TO INCLUDE TRAINING AND SUPPORT RESOURCES NEEDED TO IMPLEMENT THE ACT 1 RELATED REQUIREMENTS OF THE RULE.**

2121.4. Staff Evaluation-

For the purposes of this section, ~~1 staff~~ "staff" includes administrators, educators, and other school employees working with students. Staff evaluation programs and policies shall be designed and implemented with the goal of improved student performance, outcomes, and learning experiences. Such programs and policies shall:

~~(a.)~~ be consistent with the provisions of state and federal law and the Vermont Guidelines of Teacher and Leader Effectiveness adopted by the State Board of Education;

~~(b.)~~ include multiple sources of evidence to inform and measure teacher performance;

~~(c.)~~ address the professional learning needs of all staff, including administrators;

~~(d.)~~ address the needs of teachers who are new to the profession, or the assignment or the school; and

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

- **MINOR UPDATES.**

2121.5. Tiered System of Support.

~~In accordance with 16 V.S.A. 52902 and State Board Rule 2194, each school shall ensure that a tiered system of academic and behavioral supports is in place to assist all students in working toward attainment of the standards. This system shall be aligned with the school's Personalized Learning Plan structures, and specific student support services shall be specified within a student's Personalized Learning Plan.~~

~~School counseling services shall support the mission and vision of the school and shall be available to all students K-12. The services shall address students' academic, career, personal and social development. Such services shall be aligned and integrated with the work of other professionals in the school setting, as well as those in other educational and human services.~~

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

~~Health services, including health appraisal and counseling, communicable disease control, mental health, and emergency and first aid care, shall be made available in a confidential manner to students in each school. These health services shall be delivered in accordance with the school district's written policies and procedures, which shall be developed in collaboration with parents and community health resources.~~

~~The Vermont Department of Health recommends that schools and supervisory unions implement the School Nurse Leader School Health Services Delivery Model, which is consistent with the principles of the national~~

~~Coordinated School Health Model, to ensure appropriate access and coverage across their district or supervisory union.~~

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

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

~~2121.6. Interagency Teams.~~

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

- **SECTIONS MOVED TO 2113 AND 2120.5.**

2122 School Facilities, Learning Environment, Instructional Materials

2122.1. School Facilities

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

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

~~Each school's school's comprehensive plan for responding to student discipline and misbehavior, as required by 16 V.S.A. §1161a(a), shall address student behavior, language, classroom attendance, clothing and treatment of property, as well as be clear and consistently enforced, and shall include consequences for violations of the policy, and shall be clear and consistently enforced.~~

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

- **UPDATED. REFLECTS ACT 1 RELATED REQUIREMENTS.**

2122.2. Access to Instructional Materials -

~~Each school shall:~~

Each school district shall provide anti-racist, culturally responsive, anti-discriminatory, and inclusive instructional materials and, further, shall:

(a.) provide a learning environment with sufficient supplies and infrastructure to allow for learning;

(b.) develop, maintain, and expand as needed a collection of accessible print, multi-media, alternate format (e.g., high-quality audio files, electronic braille, and other forms of E-texts), digital and technology resources, that are administered by a certified library media specialist;

(c-) ensure that the curriculum is supported by necessary and accessible digital, multi-media, alternate format (e.g., high-quality audio files, electronic braille, and other E-text tools and resources), and print resources;

(d-) ensure that students, teachers, administrators and paraprofessionals have access to an organized collection of digital, multi-media, alternate format (e.g., high-quality audio files, electronic braille, and other E-text tools and resources), and print materials sufficient and appropriate to support all students in meeting or exceeding the current state and national standards at no cost to the student;

(e-) provide students access to the library on a regular basis to use materials for reading, research, and for instruction in the skills needed to select and use information effectively;

(f-) provide access to and instruction on how to use a variety of up-to-date information, and assistive, and other technology to support students in meeting or exceeding the standards learning;

(g-) provide broadband ~~Internet~~internet service for students and educators to access educational resources;

(h-) adopt and implement written policies on electronic resources, acceptable ~~Internet~~internet usage, and procedures for handling complaints ~~for~~from both staff and students;

(i-) support a schedule that provides opportunities for a library media specialist to collaborate with teachers as they integrate information research skills into their curriculum; ~~and~~

(j-) ensure that students are afforded the opportunity to learn the skills to locate, evaluate, synthesize, and to present information and ideas within content areas using technology integration; and

(k) ensure English Language Learners (ELL) receive assistance to which they are entitled by providing language interpreters, services, and technology that allow them to participate equitably in all instructional and co-curricular programs.

- **UPDATED. REFLECTS ACT 1 RELATED REQUIREMENTS AND EXPANDS REFERENCES TO ACCESSIBILITY REQUIREMENTS.**

2123 State and Local Comprehensive Assessment System

2123.1. Participation in the State Comprehensive Assessment System.

Each school district shall administer assessments of student performance using methods developed by the State Board of Education under 16 V.S.A. §164(9)~~-7~~. Students who are unable to participate in district or state assessments shall be given an alternate assessment in accordance with law. Each school shall account for 100 percent of its students ~~in regard to~~regarding their participation in the state assessments.

2123.2. Development and Implementation of Local Comprehensive Assessment System.

Each supervisory union or supervisory district shall develop, and each school shall implement, a local comprehensive assessment system that:

~~(a.) assesses student performance in meeting the standards approved by the State Board of Education;~~

~~(b.) employs a balance of assessment types, including but not limited to, teacher- or student-designed assessments, portfolios, performances, exhibitions and projects, and surveys or other tools to measure the social-emotional health of students;~~

~~c. includes both formative and summative assessments;~~

~~(c) includes both formative and summative assessments, including those that establish annual protocols and timelines for assessing the progress and needs of English Language Learners (ELL) beginning at the point of enrollment and continuing at designated intervals during the year as determined by the teachers and parents or legal guardians of English Language Learners (ELL) or as mandated in law or policy;~~

~~(d.) enables decisions to be made about student progression and graduation, including measuring proficiency-based learning, the social-emotional well-being of students, the existence and severity of opportunity and achievement gaps or deficiencies, and the state of progress on local, state, and national directives intended to advance social and academic equity initiatives;~~

~~(e.) informs the development of Personalized Learning Plans, personalized learning plans and student supports made available to students;~~

~~(f.) provides data that informs decisions regarding instruction, professional learning, and educational resources and curriculum; and~~

~~(g.) reflects strategies and goals outlined in the district's Continuous Improvement Plan.~~

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

- **UPDATED. REFLECTS EMPHASIS ON PERSONALIZED LEARNING, ACCESSIBILITY, AND STUDENT-CENTERED FOCUS.**

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

2124. Reporting of Results

As required in 16 V.S.A. §165(a)(2), each school

2124.1. Minimum Reporting Requirements

Each supervisory union or supervisory district shall report student and system performance results, on a school-by-school basis, to the community at least annually in a format ~~formats~~ selected by the school district board. ~~The~~ At minimum, the report shall at minimum include indicators provided by the Agency, those elements

listed identified in 16 V.S.A. §165a(165(a)(2)(A-K)), and other locally determined indicators, including, but not limited to, indicators that describe students':

(a) Academic performance using data from the most recent state and local assessments and other information related to student academic performance that describes student progress toward meeting academic standards;

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

(c) Enrollment in and completion of flexible pathways, including career technical education, virtual learning, work-based learning, service learning and internships, community research and civic and community engagement, dual enrollment, and early college;

(d) Social and emotional well-being;

(e) Discipline, including suspensions and detention actions;

(f) Incidents of hazing, harassment and bullying as required in 16 V.S.A. §164(17);

(g) Referrals to and participation in programs for students with disabilities, including Section 504 and special education as defined by federal and state law; and

(h) Participation in school programs, including enrollment in and successful completion of flexible pathways, career training opportunities, advanced placement courses, and extracurricular activities.

2124.2. Requirements for Disaggregating Student-level Data

Student level indicators shall be disaggregated, at a minimum, by school and according to student subgroups, including students identified:

(a) as economically disadvantaged;

(b) from major racial and ethnic groups, as defined by the US Census Bureau;

(c) as having a disability, inclusive of students with Section 504 plans and students with individualized education programs, separately and in total;

(d) with limited English proficiency, including immigrant children and youth; and

(e) as publicly funded students who attend an approved independent school, as made available by the Secretary.

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

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

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

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

- **UPDATED. REPORTING REQUIREMENTS SPECIFICALLY NAMED.**

2125. Continuous Improvement Plan ~~as required in 16 V.S.A. §~~

Each supervisory union or supervisory district shall develop and implement a Continuous Improvement Plan for each school as described by 16 V.S.A. §165, ~~shall be developed and implemented in each public school district. The plan shall be designed to improve the performance of all students enrolled in the district.~~ If a school the supervisory union or supervisory district comprises more than one school building, a combined plan for some or all of the buildings may be developed. ~~The plan, however, may reflect~~ provided that , the Plan reflects the different needs of individual schools.

~~The plan should be~~ The Plan shall be designed to improve student learning and maintain a safe, orderly, and civil learning environment that is equitable, anti-racist, culturally responsive, anti-discriminatory, inclusive, and free from harassment, hazing and bullying. The Plan should serve as the overall strategic plan for the supervisory union or supervisory district, and incorporate reporting, planning and, implementation document for the school, incorporating other planning requirements (either from the state, the federal government, local requirements, or external grant requirements) into a single planning document, of federal and state law, and any other regulatory requirement, including those that are local.

~~The plan~~ Plan shall be developed with the involvement by involving a culturally and socially diverse group comprised of school board members, students, teachers, administrators, parents ~~families,~~ and other community members. ~~The plan~~ Plan shall be reviewed at least annually for effectiveness toward meeting the stated goals, and shall be revised as necessary.

~~The plan~~ Plan shall include indicators provided by the Vermont Agency, including those identified in 16 V.S.A. §165(a) and indicators reported pursuant to Section 2124 (Reporting of Education Results), as well as any additional indicators determined locally. These indicators will identify student performance data obtained from state and local assessments and other information related to student performance which may include, but is not limited to, dropout and retention rates, attendance, course enrollment patterns and graduation rates. Indicators may The Plan shall include student-level indicators aggregated for the supervisory union or supervisory district and disaggregated according to school and student subgroups as identified by Section 2124. In no case shall personally identifiable information of an individual student be revealed or the state's minimum group size for reporting be violated.

The Plan shall also include data report on school practices and leadership, and consider findings from the supervisory union or supervisory district's self-evaluation, if applicable, conducted in accordance with Rule Series 100: District Quality Standards, and at a minimum contain:

~~Agency support shall be differentiated in accordance with school needs, and shall work to reduce interventions for schools where student performance data indicates growth and success.~~

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

(a.) goals and objectives for improved student learning;

(b.) educational strategies and activities specifically designed to achieve these goals, including professional learning of administrative and instructional staff;

(c.) strategies and ~~support~~ support systems to ensure the school maintains a learning and social environment that is safe, orderly, civil, and positive learning environment which is, and equitable, anti-racist, culturally responsive, anti-discriminatory, inclusive, and free from harassment, hazing and bullying; and

(d.) required technical assistance from the Vermont Agency of Education as appropriate or determined by law.

- **UPDATED. INCLUDES ACT 1 RELATED CONTENT; PROMOTES DATA-DRIVEN ANALYSIS; IDENTIFIES THE PLAN AS DYNAMIC, CONTINUOUSLY EVOLVING, AND REFLECTIVE OF THE SPECIFIC NEEDS OF EACH COMMUNITY; AFFIRMS THE PLAN AS THE CENTRAL STRATEGIC PLANNING AND ACCOUNTABILITY TOOL.**

2126 SYSTEM FOR DETERMINING COMPLIANCE WITH EDUCATION QUALITY STANDARDS

The supervisory union or supervisory district board shall approve the Plan annually.

2126 System for Determining Compliance with Education Quality Standards

2126.1. Filing of Continuous Improvement Plan.

~~On Pursuant to 16 V.S.A. §165(a two year cycle published by the Agency,)(1), each school supervisory union or supervisory district is required to annually file a copy of the school's/school or schools' Continuous Improvement Plan for the current school year. This includes listing with the Agency, as well as the following:~~

(a) its responses to written public feedback and complaints, pursuant to Section 2121.1 (School Leadership),

(b) a list of the indicators (both those required by the Vermont Agency of Education or these rules, and any additional indicators as desired for use used by the school) used for reflection and creation of the school's Continuous Improvement Plan;

(c) a description of the accomplishments, progress, and changes regarding goals and strategies from the previous year's Continuous Improvement Plan, and

(d) other evidence of meeting Education Quality Standards.

- **MINOR UPDATES; REFLECTS ADDITION OF PUBLIC FEEDBACK AND COMPLAINT PROCESS.**

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

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

1. All Pursuant to 16 V.S.A. §165(b), at least annually, the Secretary shall determine whether students in each Vermont public school and independent school designated as meeting education quality standards are provided educational opportunities that are substantially equal in quality and that are equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive.

The review will be based on the requirements of this rule and consideration may include, but is not limited to:

(a) information contained in Continuous Improvement Plans will be reviewed by Agency staff, with assistance from other Vermont educators in a peer review process, as submitted by supervisory unions or supervisory districts on behalf of their schools, including data reported to the Agency as required or desired. Each school will receive feedback from this review by Section 2124 (Reporting of Results);

2. To (b) Other information necessary to meet the state accountability standards (which comply with and federal accountability standards and requirements), schools will be expected; and

(c) Written feedback and complaints that are submitted to develop and revise the supervisory union or supervisory district that relate to whether a school meets the Education Quality Standards pursuant to Sections 2121.1 1 (School Leadership) and 2126.1 (Filing of Continuous Improvement Plan based on the Secretary's recommendations, accountability status and student outcomes. The Agency may choose to differentiate support and requirements for individual schools based on identified needs) and subsequent responses.

3. On an annual basis, the Agency will identify schools for an Education Quality Standards Review. All schools, regardless of accountability status, will be eligible for this review. The Secretary of Education will determine the requirements and outcomes of this review, including a peer review system between schools. The review will be based on the requirements of this rule to ensure equity and improved outcomes for students.

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

As required in 16 V.S.A. §165 (b), every two years the Secretary shall determine whether students in each Vermont public school are provided educational opportunities substantially equal to those provided in other public schools. If the Secretary determines that a school is not meeting the quality standards, he or she shall recommend requirements of this rule or that the school is making insufficient progress in improving student performance pursuant to 16 V.S.A. §164(9), the Agency shall describe in writing any actions that a district the school must take and offer to ensure the school meets Education Quality Standards and must provide technical assistance to the supervisory union, supervisory district, and/or school, as needed. If the school fails to meet the standards or make sufficient progress set forth in this rule or to make sufficient progress toward improving student performance pursuant to 16 V.S.A. §164(9), the Secretary shall recommend to the State Board one or more of the actions identified by the end of the next two year period, recommendations will be made to the State Board of Education as outlined in 16 V.S.A. §165(b)-16 V.S.A. §165(b)(1-5).

16 V.S.A. §165(f) regulates the process for an independent school to be designated as meeting Education Quality Standards, as well as the provision of technical assistance in the event that if the State Board finds an

independent school is not meeting the standards or is failing to make progress ~~toward~~toward meeting the standards.

- **UPDATED. REFLECTS THE ADDITION OF ACT 1 RELATED REQUIREMENTS AND PUBLIC FEEDBACK AND COMPLAINT PROCESS. REORGANIZED AND EDITED FOR CLARITY.**

2128. Implementation and Support

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

- **CLARIFIES THAT IT IS THE AGENCY'S DUTY TO PROVIDE SUPPORT FOR SU/SD AND DISTRICT IMPLEMENTATION.**

2129. Effective Date

These amendments shall take effect on July 1, 2025.

FINAL RULE RESPONSIVENESS SUMMARY

Vermont State Board of Education
Rule 2000: Education Quality Standards [#23P022]

Public Hearings: 9/13/2023; 9/28/2023; 10/3/2023
Public Comment Period: July 25, 2023 (filed) - 10/25/2023

Public Comment: Substantial Arguments & Considerations Raised

Summarized below are the substantial arguments and considerations raised for or against the proposed amendments to Rule 2000: Education Quality Standards ("EQS") received by the Vermont State Board of Education ("Board"). The Board's reason for adopting or rejecting the consideration follows each description.

1. The EQS Rules should apply to approved independent schools. There should not be different rules for public and independent schools.

Board Response: Reject

Title 16 of the Vermont Statutes Annotated directs the Board to regulate public and independent schools through different statutory provisions (16 VSA §165 and 16 VSA §166, respectively). By law, EQS applies only to public schools and independent schools choosing to participate in EQS. The Board's proposed modifications of EQS remain consistent with this provision of the law. Applying EQS to all approved independent schools would exceed the Board's authority and the outcome would contradict the General Assembly's regulatory structure that accounts for differences in the operation and governance of public and independent schools.

2. The principles of Act 1 included in EQS should apply to approved independent schools.

Board Response: Accept

By exercising its authority under 16 VSA §164(14) the Board is achieving the requested outcome that the principles of Act 1 of 2019 "An Act Relating to Ethnic and Social Equity Studies Standards for Public Schools" ("Act 1") apply to both public and independent schools. (See *Proposed Final Rule 2200: Independent School Program Approval*.)

3a. EQS should not define "Ethnic Group" and "Ethnic Studies" using the proposed definition and should instead use the definition provided by the Legislature in Act 1, including the words "groups that have been historically subject to persecution or genocide" in the definition of "Ethnic Groups."

Board Response: Accept in Part; Reject in Part

The Board's rulemaking authority is specifically limited by legislative intent pursuant to 16 VSA §164(7). The General Assembly assigned specific meaning to "Ethnic Group" and "Ethnic Studies" in Act 1 that the Board may not alter without contravening legislative intent. Since terms in a rule carry the definition assigned to them in law, the Board removed "Ethnic Group", "Ethnic Studies", and other terms from the Definitions Section of the rule that are substantively defined by law. This change ensures that the Board is not exceeding its authority and avoids the possibility of confusion should the General Assembly assign new meanings to these terms in the future.

3b. EQS *should* define “Ethnic Group” and “Ethnic Studies” using the proposed definition.

Board Response: Reject

The Board’s rulemaking authority is specifically limited by legislative intent pursuant to 16 VSA §164(7). The General Assembly assigned specific meaning to “Ethnic Group” and “Ethnic Studies” in Act 1 that the Board may not alter without contravening legislative intent. Since terms in a rule carry the definition assigned to them in law, the Board removed “Ethnic Group”, “Ethnic Studies”, and other terms from the Definitions Section of the rule that are substantively defined by law. This change ensures that the Board is not exceeding its authority and avoids the possibility of confusion should the General Assembly assign new meanings to these terms in the future.

4. The effective date for these rules should be the single date of July 1, 2025.

Board Response: Accept

The Board acknowledges the value of one implementation date and recognizes that some amount of preparation may be required by school districts to successfully implement these rules as of their effective date.

5. The rules should contain specific time, credit, and content requirements for arts and education.

Board Response: Reject

16 V.S.A. 261a directs supervisory unions (or a supervisory district) to develop and implement curriculum based on performance standards approved by the Board. The rules reflect this assignment of authority so that school districts may offer learning content and educational opportunities that are locally developed and determined at the supervisory union level to meet proficiency requirements.

6. The rules should rename “artistic expression” because it is not aligned with Board approved National Core Arts Standard.

Board Response: Accept

The National Core Arts Standards name five disciplines: dance, media arts, music, theater, and visual arts, which are now referenced specifically as part of the arts learning content area.

7. Arts education should not be tied to the learning content area of global citizenship.

Board Response: Accept

Reference to the arts has been removed from the description of the global citizenship content area to eliminate an unintended interpretation that learning about art history, for example, might meet the Board’s expectations for arts education.

8. Music should be specifically named in the description of learning content areas.

Board Response: Accept

Music is now specifically named and included in the description of the artistic expression learning content area.

9. The rules should limit class load size for art teachers as it does for other disciplines.

Board Response: Reject

The Board declined to make changes to class sizes and to teaching class loads during this rulemaking process since they were outside the intended scope of review and amendment. The Board was concerned that such changes might have unforeseen impacts on local district staffing and operational needs and, subsequently, local budgets. The Board would require significant (additional) time to study the matter and solicit public feedback before deciding whether modifications to the rule should be pursued on these grounds.

10. All schools should be required to educate students on the history of the Jewish people and address the rise in antisemitism in Vermont by including specific instruction on the topic and raising awareness within schools.

Board Response: Accept in Part/Reject in Part

Section 2120.6 requires each school district to “enable students to engage annually in rigorous, relevant, and comprehensive learning opportunities that allow them to demonstrate proficiency in ... (d) global citizenship, including the concepts of civics, economics, geography, world language and cultural studies, and history; ... (h) ethnic and social equity studies, as describes in Act 1 (2019), which promote critical thinking regarding the history, contribution, and perspective of ethnic groups and social groups.” Commenters directly and indirectly requested that the Board establish express curriculum requirements regarding teaching of Jewish history, experiences, and the rise of antisemitism. The Board clarified in 2120.6 that supervisory unions are responsible for developing curriculum, pursuant to 16 VSA §261a. The Board does not have the authority to specifically require what commenters request.

11. Learning environments should be more inclusive for Jewish students and educators should be trained and supported in respecting and addressing the lived experiences of Jewish members of the school community.

Board Response: Accept in Part/Reject in Part

Section 2120.1 requires that “[p]ractices employed by educators shall include examining and teaching a subject from multiple academic perspectives and encouraging students to engage with and synthesize diverse perspectives and narratives, including those from the students’ lived experiences, into a coherent understanding or analysis.” It further requires that educators be supported in, for example, “ (a) examining their own identities and biases and (b) fostering a learning environment that recognizes multiple ethnic, cultural and racial perspectives; presents and critiques historical counter-narratives; and encourages students to examine issues and expressions of social equity within and beyond the classroom or school.” The Board declined to name specific ethnic, cultural, or racial perspectives or experiences that must be recognized, emphasized, or presented because it intends for this requirement to apply to *multiple* groups of people and perspectives. To name the groups or perspectives individually could result in unintentional omission of other groups of perspectives and would further restrict the ability of schools to present new groups or perspectives over time.

12a. The proposed definition of “Discrimination” and the references to prohibiting discrimination in the Statement of Purpose should remain as it appears in the Proposed Rule.

Board Response: Reject

The Board does not have the authority to create or expand legally protected classes of people. The definition of discrimination and applicable references in the Statement of Purpose have been modified in the final rule to align with current federal and state law. Within the Section 2105 Statement of Purpose, references to classes or characteristics of people that are not currently afforded heightened protections under the law remain and are named to identify and clarify that schools are also required to provide an equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive learning environment to students without regard to any of those characteristics named.

The Board adopts the highest level of anti-discriminatory protections for students under the law and applies these in Rule Series 2000 and 2200 using language that is either exactly the same or substantially the same if alterations are necessary given the context. The Board appreciates the recommendations of the Act 1 Working Group and has finalized the rules considering those recommendations, comments received, the language and intent of Act 1, and other feedback, along with its own review related to the application, operation, and implementation of the rules.

12b. The proposed definition of “Discrimination” and the references to prohibiting discrimination in the Statement of Purpose should be changed in the final rule to align with current state and federal law.

Board Response: Accept

The Board does not have the authority to create or expand legally protected classes of people. The definition of discrimination and applicable references in the Statement of Purpose have been modified in the final rule to align with current federal and state law. The Board adopts the highest level of anti-discriminatory protections for students under the law and applies these in Rule Series 2000 and 2200 using language that is either exactly the same or substantially the same if alterations are necessary given the context. The Board appreciates the recommendations of the Act 1 Working Group and has finalized the rules considering those recommendations, comments received, the language and intent of Act 1, and other feedback, along with its own review related to the application, operation, and implementation of the rules.

13. Require schools to conduct annual survey of parents and guardians, using standards format and method set by AOE to measure parent and guardian assessment of EQS components. Surveys should be submitted to AOE and made available to the public. Should be used by AOE to determine if EQS are being met.

Board Response: Accept in Part/Reject in Part

The rule requires schools to create and evaluate a Continuous Improvement Plan each year. It requires that specific matters are included in the plan and allows for additional local components to be added. The participation and feedback from parents, guardians, and members of the community is required as part of the development and annual review process. The rule now requires that districts develop and maintain a process for receiving and responding to complaints about compliance with EQS. These complaints and responses will be included in an annual submission to the Agency and can be considered when the Agency determines if EQS are being met.

14. Remove term "critical" in the three places it appears in Sections 2110 and 2114.

Board Response: Reject.

The Board declines to further define the term "critical" used as a descriptor throughout the document and has instead defined "critical thinking." Any other reference to the term "critical" is intending to have the plain and ordinary meaning when used in this rule.

15. The State Board should set a goal of having 80% of elementary school students in Vermont graduate with fluency in two languages in the next eight years.

Board Response: Reject

The Board has the authority to approve student performance standards. It is the role of the supervisory union or supervisory district to establish and implement curriculum and set proficiency-based graduation requirements. The General Assembly has the authority to set statewide goals of this nature.

16. School educators and administrators need to be more diverse, to include their lived experiences, and perspectives, and to have the tools they need to combat antisemitism and racism. The rules should address the low number of Jewish teachers and administrators in Vermont's schools, which may subsequently contribute to instances where Jewish students and their experiences or religious beliefs are marginalized and Christian traditions are presented as the norm, or a frame for learning.

Board Response: Accept in Part/ Reject in Part

The Board does not have the power or authority over district of supervisory union employment. This Rule does include new requirements for support for educators that the Board believes will help to address the comment that school staff need to have the training, experience, and tools to combat antisemitism and racism and provide informed, respectful, and inclusive approaches to instruction and student support. Section 2120.1 requires that "[p]ractices employed by educators shall include examining and teaching a subject from multiple academic perspectives and encouraging students to engage with and synthesize diverse perspectives and narratives, including those from the students' lived experiences, into a coherent understanding or analysis." It further requires that educators be supported in, for example, "(a) examining their own identities and biases and (b) fostering a learning environment that recognizes multiple ethnic, cultural, and racial perspectives; presents and critiques historical counter-narratives; and encourages students to examine issues and expressions of social equity within and beyond the classroom or school."

17. The implementation of tiered systems of support, or "Multi-Tiered Systems of Support" (MTSS), remains highly variable across the state. Commenters suggest rules may not be clear and that more Agency oversight implementation support is required. Overall alignment of MTSS rules and guidance with the requirements of Act 173 is further requested.

Board Response: Accept in Part/ Reject in Part

No specific recommendations were offered regarding the clarity requested. The Board added language to expand and reorganize the section describing "Tiered Systems of Support." It was moved to Section 2120.5 and now defines education support team; includes a more detailed description of how supports should be determined, personalized, and offered; assigns responsibility for developing and maintaining tiered systems of support at the local level; and describes how student counseling and school health services should be provided. The Agency is aware of this comment and carries the responsibility for providing greater support and oversight of the implementation of tiered systems of support at the local level.

18. Establish a minimum number of full time equivalent (FTE) professional staff required to be employed by a school. Suggests 5 FTE because anything smaller is likely to be too small to meet requirements of the rules.

Board Response: Reject

The Board declined to set minimum FTE requirements for schools in this rulemaking process since the matter is outside the Board's intended scope of review and amendment. The Board is aware that such changes may have unforeseen impacts on a local school's operation and, subsequently, local budgets. The Board would require significant (additional) time to study the matter and solicit public feedback before deciding whether modifications to the rule should be pursued.

19. The integrated field review process should include site visits of all schools, not just supervisory union offices, every five years. AOE should not determine a school complies with EQS absent a site visit.

Board Response: Reject

16 VSA 165(b) directs the Agency to determine whether a school meets and complies with EQS. The Board does not have the authority to require that the Agency conduct a site visit. Newly promulgated District Quality Standards (DQS) have been established by the Agency which include periodic reviews. The Agency may exercise its authority to require and conduct site visits within DQS or in its process for determining whether a school meets EQS.

20. Create process for requesting that the AOE conduct a review of the school's noncompliance with EQS. AOE would issue public findings that the Agency would rely on to make the determination.

Board Response: Reject

16 VSA 165(b) directs the Agency to determine whether a school meets and complies with EQS. The Board does not have the authority to require that the Agency take specific actions, such as issuing public finding, in performing that duty. Commenters may find it useful and to review the Agency's District Quality Standards Rule Series 100, Section 110 (District Quality Standards) and Section 130 (Quality Assurance) which define the Agency accountability standards and responsibility for compliance and enforcement.

21. Independent schools should not receive a waiver rather than following statewide guidelines. The waiver section of EQS should be changed to address this.

Board Response: Reject

The rule only applies to independent schools who choose to meet the requirements of 16 VSA §165 and the rule. The waiver provisions of this rule apply to public school districts and to independent schools designated as meeting EQS in the same way.

22. Hopes that the forthcoming "Framework" will encourage a learning environment where youth will be taught about Jewish Americans and encouraged to act on antisemitic hatred. Cites recent examples of antisemitism at UVM, in Burlington, Woodstock, etc. Invokes White House National Strategy to Counter Antisemitism as an example to follow. Opposes current Framework and wishes to be informed when the matter is taken up.

Board Response: Not Applicable; No Response

Several comments reference the Board's consideration of a document referred to as the Iris Framework, which is not part of this rule or rulemaking process. It is another body of work that stemmed from Act 1 of 2019.

23. Several comments are related to Rule 2200: Independent School Program Approval. Specific comments are related to school accountability, the Rule's compliance with state and federal laws regarding the delivery of special education services, and roles and responsibilities of LEAs and independent schools in the administration of IEPs.

Board Response: Not Applicable; No Response.

This rule (2000) and Rule 2200: Approval of Independent School Programs are moving through the rulemaking process along similar timelines. The Board announced that it would consider and respond to comments received during the public comment period of either rule series in its deliberation and finalization of the rule to which the comment applies. These comments will be addressed under Rule 2200.

SUMMARY OF ORAL COMMENTS RECEIVED

Vermont State Board of Education
Rule 2000: Education Quality Standards [#23P022]

Public Hearings: 9/13/2023; 9/28/2023; 10/3/2023
Public Comment Period: July 25, 2023 (filed) - 10/25/2023

This list includes short summaries of oral comment received at the public hearings held for Rule 2000: Education Quality Standards on the dates listed above. Comments that reflected written comment which were later submitted are not included.

Asserts that if public tax dollars are going to an independent school, it should have to adhere to the same standards as public schools.

Supports inclusion of Section B. The Jewish community continues to be treated as the exception to hate. Cites personal experience of antisemitism.

Requests that Act 1 Part B be included in the EQS in order to include the impact genocide and persecution have on people past and present. Cites specific personal examples of antisemitic behavior.

Cites specific examples of segregation in Vermont schools. Supports the EQS as a way to personalize the classroom by creating conditions that support each student's learning needs.

Cites specific examples of racism and antisemitism. Supports the EQS.

Supports Section B being included.

Supports Section B of the Vermont legislation. Supports teaching about America's antisemitic history in order to prevent this history from continuing.

Cites specific personal examples of antisemitic behavior.

Supports the updates to the EQS as proposed by the Act One Working Group. Cites specific personal examples of inclusion and exclusion in school settings. Asserts that they have not experienced personal specific examples of ethnic or racial discrimination, but recognizes that it is a significant issue in their district and beyond.

Opposes the elimination of Part B in Act 1. Pam's child cites specific personal examples of antisemitism they faced in schools. They assert that it is important for children their age to understand what it means to be Jewish and the impact of their actions.

Opposes the elimination of Part B in Act 1. Cites specific personal examples of antisemitism that their children faced in schools. Asserts that inclusive environments need to include all groups. Cites specific personal examples of antisemitism that other family members have experienced. Asserts that students and faculty are not aware of Jewish history and it is important that this changes.

Opposes the elimination of Part B in Act 1. Cites specific personal examples of antisemitism that their children faced in schools. Asserts that inclusive environments need to include all groups. Cites specific personal examples of antisemitism that other family members have experienced. Asserts that students and faculty are not aware of Jewish history and it is important that this changes.

Cite specific personal examples of antisemitism. Wants legislative definition to remain.

Supports Section B. Cites specific examples of racism and antisemitism.

Cites specific examples of racism and antisemitism. Supports keeping the specific language of the legislature.

Cites specific examples of oppression and antisemitism. Supports keeping Section B.

Asserts that excluding Jews from the ethnic group definitions is hypocritical for a state presenting itself as committed to social justice and equity. Requests the language of the original act be included.

See written comment by "Jewish Vermonters." Gave a personal oral statement separate from the group comment. Asserts that the standards as drafted provide an inclusive, anti-racist, and supportive school environment. States that by not naming any specific group it includes everyone. Opposes creating exceptionalism for discrimination against Jewish people.

Requests that Jews are included in the definition of ethnic groups. Asserts that removing Part B will increase the rates of antisemitism in Vermont. Asserts that educating students about antisemitism and Jewish culture is good for those who are Jewish and those who are not. Echoes the comments made by others stating that the original definition should be adopted.

Concern over the different standards for public and independent school who accept taxpayer dollars. If a school gets public funding, they should follow the same standards.

Supports the work of Act 1 working group pertaining to ethnic and social equity standards. Believes that Proposed EQS rule 2121.2 would cause issues by forcing unlicensed educators at independent schools to seek licensure. Licensure is not a determinant of educator quality. Values the autonomy that allows hiring qualified teachers through a robust recruiting and hiring process instead.

Supports Act 1 and believes that the same rules should apply to all schools.

Educational equality benefits everyone, not just those with additional needs. Creating two standards will have consequences such as losing diverse people, students, and families.

Independent schools that receive public funds should be held to the same standards as public schools. Allocating public funds to independent schools who discriminate goes against the Vermont Constitution. Independent schools lack the transparency of public schools but independent schools still accept public funds. If a school accepts funding, they should be subject to the same rules as public schools.

The vagueness in the language around Fine Arts in schools is concerning. Music education is declining in Vermont. The vague language makes music inaccessible and inequitable for all students. Music is important for emotional health and brain development, so there needs to be specific language to protect this important art.

Supports the EQS rules. The lack of education to students regarding racism and historically relevant events is unacceptable. Education is the solution to racism in the country. Ethnic studies is proven to increase graduation rates by over 15% as well.

Studying the genocide of a culture is different than studying the history and culture of the people.

Supports the EQS. It's important to have education leadership in equity across the state. Additionally, when an independent school accepts tax money, they should then be subject to the same rules as public schools.

Being specific is extremely important as it prevents cutting important things such as music education. We should remove the current obstacles and barriers to artistic expression, particularly music education but other forms as well and be specific in our rulemaking.

Act 1 should apply equally to public and independent schools funded by taxpayer dollars.

Racism is a huge issue throughout Vermont schools. Allowing separate rules will lead to two different standards and give privileges to some students over others. Passing the EQS is a step towards supporting all students.

Fully supports Act 1. It is important to the isolated rural students without proper resources are provided a "second home" at school so they have the opportunity to thrive. While still supporting Act 1, does not support having the entire education quality standard Rule services apply to everyone. The EQS should not apply to independent schools which are not governed by a school board or Superintendent. If applied, the EQS would seriously erode the institution's ability to govern itself, resulting in a slower reaction to issues. Additionally, there are many qualified educators that do not have a license, and by requiring one, the shortage of competent teachers would be increased.

Concern over the vagueness in the arts language in the curricular content. Concern that the vague language could water down the already lacking arts requirements in the curriculum.

Recommends returning to the same exact definitions that were already passed by the state legislature rather than the new definitions. The new definitions dramatically alter the definitions of the defined groups. By removing Part B of the definition of ethnic groups and placing the words genocide and persecution as things to be studied, ethnic studies in the Vermont educational curriculum will wind up erasing the study of Jews and other groups of people who have been subjected to a history of genocide and persecution. Definitions should require teaching about the Jewish people as an ethnic group since antisemitism is rarely about religion, and more so about ethnicity.

Urges the board to fully consider implications of any rule change and what a rule change would mean for the constitutional requirements of providing an equal education experience to Vermont students. Concern that having two sets of rules would lead to a substantially unequal educational experience.

Requests that the EQS include visual and performing arts in the curriculum. Asserts that art teachers request the EQS state clear how students will have access to enriching art programs.

Supports the statement of purpose in the EQS as well as the language throughout the EQS that support the statement of purpose.

Requests that independent schools that receive public tuition from Vermont taxpayer funded education fund be subject to the same rules as public schools. Supports the statement of purpose in the EQS as well as the language throughout the EQS that support the statement of purpose.

Requests that Part B be included and that students are taught Jewish culture alongside tragedy. Cites personal examples of antisemitism. Asserts that Vermonters need to learn more about Judaism and recognize it in communities.

Requests that Part B be included and that students are taught Jewish culture alongside tragedy. Cites personal examples of antisemitism. Asserts that Vermonters need to learn more about Judaism and recognize it in communities.

Asserts the importance of teaching about the persecution, successes, and experience of the Jewish community. Reiterates what Matthew Vogel said about the national strategy to combat antisemitism. Cites personal examples, examples in Vermont, and examples in the United States of antisemitic behavior. Requests that the original language of part B be put back in the curriculum.

Requests the inclusion of Part B in the EQS. Asserts that they agree with the rest of the curriculum, but do not agree with the exclusion of Act 1 Part B. States that Vermont should be upholding the federal national strategy combatting antisemitism.

Requests that Part B remain in the EQS as it originally was written. Cites personal examples and examples shared with them of antisemitic behavior.

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

CVR 22-000-003

ANNOTATED FINAL RULE

2000 EDUCATION QUALITY STANDARDSEducation Quality Standards

2100 STATUTORY AUTHORITY. Statutory Authority

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

2110 STATEMENT OF PURPOSE

2105. Statement of Purpose

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

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

These rules prohibit discrimination against any student pursuing an education or participating in the general life or activities of a school because of or based on any actual or perceived protected class consistent with state and federal law. No student shall be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity as the result of, or based upon, the student's race, gender, color, creed, religion, national origin, marital status, sexual orientation, gender identity, or disability, or any other reason set forth in state or federal law.

In addition to the non-discriminatory protections in Section 2113 (Federal and State Entitlements Nondiscrimination; Federal and State Requirement; Student Records), discriminating against any student pursuing an education or participating in the general life or activities of a school as a result of or based upon, ethnicity, caste, language and linguistic diversity, socio-economic status, housing status, or non-citizenship or immigration status, is contrary to the State Board's intent that all students experience an equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive learning environment.

These rules further require each supervisory union, supervisory district, and school district, to strive for a culturally responsive pedagogy that critically examines and imparts a comprehensive historical and socially conscious understanding of:

- (a) the causes and effects of bias and discrimination as a result of, or based upon, the reasons set forth in Section 2113 (Federal and State Entitlements Nondiscrimination; Federal and State Requirement; Student Records) and in this Statement of Purpose;

(b) why all persons should have equitable access to social and economic opportunity;

(c) why persons and institutions must identify and prevent individual, group, and systemic racism, discrimination, and all forms of unfair treatment; and

(d) the positive and multi-faceted contributions of different social, cultural, racial, linguistic, ethnic, and indigenous groups to the historical and ongoing project of building and strengthening democracy in the United States and globally.

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

2111 ADOPTION OF PERFORMANCE STANDARDS

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

2112 EDUCATION QUALITY STANDARDS2110. Definitions

~~In order to carry out Vermont's policy that all public school children will be afforded educational opportunities which are substantially equal in quality, and in order to ensure continuous improvement in student performance, each public school shall meet the following education quality standards, and annually report to the community in an understandable and comprehensive form as required in 16 V.S.A. §165(a)(2).~~

2113 FEDERAL AND STATE ENTITLEMENTS; NONDISCRIMINATION

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

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

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

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

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

2114 DEFINITIONS

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

~~1. "Academic record" may include standardized test scores, dates of attendance, alternate graduation plan, Personalized Learning Plan, rank in class, awards, activities, clubs and other information not included in a student's transcript, as locally determined.~~

~~2. "Applied learning" means the presentation of subject matter in a way that integrates a particular academic discipline (such as mathematics, science or English) with life experiences both in school and out of school and with personal workforce applications.~~

~~3. "Agency" means the Vermont Agency of Education.~~

"Anti-discriminatory" practices are actions, behaviors, programs and policies by school staff, students, school boards, contractors, and community members involved in the daily operations of schools that are necessary to counter discrimination, and that promote a fair, just, and equitable learning environment for all students.

"Anti-racist" practices are actions, behaviors, programs, and policies designed and/or implemented by school staff, students, school boards, contractors, and community members involved in the daily operations of schools that are necessary to counter racism and that promote a racially inclusive learning environment for all students.

"Appropriately licensed educator" means any teacher or administrator requiring a license under 16 V.S.A. Chapter 51 and in accordance with the Rules Governing the Licensing of Educators and the Preparation of Educational Professionals.

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

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

"Civic and Community Engagement" refers to individual and/or collective actions that identify and address issues of public importance, and that provide people with opportunities that contribute to the current and future development of their communities and a democratic society. Civic and community engagement can take place in a variety of formal and informal settings, including but not limited to, those in governance and electoral politics, educational, cultural, and recreational activities, community service and social justice movements.

"College and Career Readiness" means the student's ability to a student possesses the knowledge, learning strategies, and foundational skills to enter the workforce or, to pursue postsecondary education or training without the need and to adapt successfully to employment and academic or training environments that are socially and culturally inclusive.

"Critical thinking" is the objective examination of an issue to discern or form a judgment based on evaluating evidence, checking assumptions, and adopting multiple perspectives to better understand the question at hand.

"Culturally and Linguistically Diverse Students" are those who are members of home, cultural, or social environments whose experience and success is enhanced by schools demonstrating respect for remediation. The student must possess the foundational skills and learning strategies necessary to begin studies in a career pathway in order to be considered college and career ready a multitude of linguistic competencies and fostering systems of academic and social inclusion that acknowledge the fundamental importance of such competencies. Linguistic competencies are cultural and linguistic resources that students, families and communities draw upon, including, but not limited to, a variety of languages, including Indigenous languages, multiple-sign languages, and African American Vernacular English and other dialects.

6. "Educational Technology" means instruction and/or preparation in the appropriate use of current technology to provide students with the knowledge and skills needed to communicate, solve problems, and to access, manage, integrate, evaluate and create information.

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

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

"Educator Mentoring" means" is the pairing of a mentor with an educator who is either new to the profession or new to the school in order to provide training, orientation, assistance, and support. Further, for the purposes of this rule, a 1mentor "mentor" is an educator who has demonstrated high-quality instructional practice and who has been provided training in mentoring.

8. "Needs-based professional learning" means "Equity" or "Equitable," as referenced in these rules in relation to schools or educational programs, results in each student receiving the resources and educational opportunities to learn and thrive in all aspects of learning, school life, career technical education, and community-school interactions, and to discover and cultivate their talents and interests. To be achieved, equity requires an inclusive school environment and may necessitate an unequal distribution of resources and services based on the needs of each student.

"Ethnicity" embodies a wide range of criteria used to identify ethnic groups, such as a common history, ancestry or culture, national, social or geographic origin, skin color, language, religion, tribe or indigenous people (including the Indigenous Peoples of Vermont), or various combinations of these characteristics, and may reflect a legally protected class of people in some contexts.

"Evidence-based" has the same meaning as 20 U.S.C. §7801(21) and applies practices and activities that are consistent with research on how students communicate, behave, learn, and thrive in ways that are developmentally and socially appropriate and have positive and lasting effects on their education and personal growth.

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

"Intercultural Competency" describes practices and actions to pursue deep understanding, mutual respect, and willingness to learn about the cultures of all people, especially those who have been marginalized, silenced, and/or undervalued.

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

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

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

~~9. "Personalized Learning Plan" means a plan developed on behalf of a student by the student, a representative of the school, and, if the student is a minor, the student's parents or legal guardian, and updated at least annually. The plan shall be developmentally appropriate and shall reflect the student's emerging abilities, aspirations, interests and dispositions. Beginning no later than in the seventh grade, the plan shall define the scope and rigor of academic and experiential opportunities necessary for the student to successfully complete secondary school and attain college and career readiness.~~

~~10. "Neurodiversity" refers to the natural and important variation in how human minds think and is not to be cured or corrected to fit social norms. These differences can include, but are not limited to, autism, attention deficit hyperactivity disorder, dyspraxia, dyslexia, dyscalculia, and Tourette Syndrome.~~

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

11. "Proficiency-Based Graduation Requirements" are the locally determined set of content knowledge and skills aligned to state standards that, when supplemented with any additional locally developed requirements, have been determined to qualify a student for earning a high school diploma. The requirements shall be clear, shared learning expectations that empower students and provide opportunities for choice in learning experiences and accord multiple ways to demonstrate proficiency in knowledge and skills. In this system, "Proficiency-Based-Graduation-Requirements" are supervisory union- or supervisory district-wide learning objectives used by educators and students to drive instruction and assess growth in new learning.

"Race" embodies an invented or socially constructed concept that is used to categorize groups and cultures on the basis of physical differences transmitted through descent, like skin color, and may reflect a legally protected class of people in some contexts.

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

"Restorative Practices" refer to whole-school, relational approaches to building school climate and addressing student behavior that fosters belonging over exclusion, social engagement over control, and meaningful accountability over punishment. They encourage members of the school community to be constantly present, attending to needs as they arise. They exercise the ability to be dynamic rather than static in a given response. Restorative approaches also begin with proactive structures to build positive relationships and communication and create a space for people to express themselves—their strengths, assets, responsibilities, and also their vulnerabilities. Neither restorative approaches, practices, processes, nor programs shall remove or lessen to any degree a supervisory union, supervisory district, or school's responsibility under Vermont law and policy to investigate, call out, name, and discipline behaviors that violate the Agency's "Policy on the Prevention of Harassment, Hazing, and Bullying" (HHB) and Federal Title IX.

"School" means refers to an organizational structure designed to facilitate student learning. This could include an individual public-school building or a combination of public-school buildings—schools with one administration, either of which inclusive of outdoor recreation areas, paths, and facilities, and could include learning opportunities both within and outside of the school building buildings and school day. It also includes career technical education centers, as specified in 16 V.S.A. Chapter 37, and virtual learning experiences and opportunities offered by the school, supervisory union, or supervisory district. Where the context suggests that a school "school" take some action, the action shall be taken by the superintendent or such school officials as are official designated by the superintendent, unless otherwise specified herein or elsewhere in law or regulation. School includes a technical center.

12. "Secretary" means the Secretary of Education or his or her their designee.

13. "Superintendent" "Social Identity Group" refers to a group of people who share common characteristics that shape their identity and promote a sense of unity, including sex, sexual orientation, gender identification, disability, class, socio-economic status, or other characteristics that are fundamental to identity.

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

14. "Supervisory union" means an administrative, planning, and educational service unit created by the Vermont State Board of Education, which consists of two or more school districts, including a supervisory district. For the purpose of these rules, supervisory union also means a supervisory district which consists of only one school district, which may be a unified union district.

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

2111. Adoption of Performance Standards

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

2112. Education Quality Standards

To carry out Vermont's policy that all Vermont students will be afforded educational opportunities that are substantially equal in quality, and to ensure continuous improvement in student performance, each supervisory union, supervisory district, school district, and school to which these rules apply, pursuant to 16 V.S.A. § 165 shall meet the following education quality standards and annually report to their communities in an understandable, inclusive, and comprehensive form as required in 16 V.S.A. §165(a)(2).

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

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

2113.1 Federal and State Entitlements

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

2113.2 Nondiscrimination

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

2113.3 Federal and State Requirements; Student Records

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

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

(c) Student Record Maintenance and Retention.

1. For the purposes of this section, a transcript is a formal document record certifying and documenting a student's or former student's achievement of state standards and student's academic achievements and shall include, at a minimum, the student's name, date of birth, last known address, years/dates of attendance, courses taken, out-of-school learning opportunities/grades or proficiencies achieved, credits or credentials awarded, and standardized test scores, if applicable, and diploma or certificate of completion awarded. An academic record includes a student's transcript and may also include alternate graduation plans, an individualized education program, a 504 Plan, personalized learning plan, rank in class, awards, activities, clubs, and other information not included in a student's transcript. The academic record shall not include documents, notes, records, or descriptions of a student's disciplinary history. Academic records are not the same as education records, as referenced in the federal Family Educational Rights and Privacy Act (FERPA).

~~17. "Transferable skills" refers to a broad set of knowledge, skills, work habits, and character traits that are believed to be critically important to success in today's world, particularly in collegiate programs and modern careers.~~

2120 CURRICULUM AND INSTRUCTION

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

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

2120. Instructional Practices and Curriculum Development

2120.1. Instructional Practices/Strategies

~~Instructional practices~~ Educators shall promote personalization ~~for~~ and high expectations so that each student, and enable each student to may successfully engage in the curriculum and meet the graduation requirements with the curriculum delivered and meet graduation requirements. Practices employed by educators shall include examining and teaching a subject from multiple academic perspectives and encouraging students to engage with and synthesize diverse perspectives and narratives, including those from the students' lived experiences, into a coherent understanding or analysis. Classroom instruction shall include a range of ~~research~~ evidence-based instructional practices strategies that most effectively improve student learning and engage all students, as identified by national and Vermont guidance, and locally collected and analyzed student data.

Educators shall be supported in:

(a) examining their own identities and biases;

(b) fostering a learning environment that recognizes multiple ethnic, cultural, and racial perspectives; presents and critiques historical counter-narratives; and encourages students to examine issues and expressions of social equity within and beyond the classroom or school;

(c) modeling and setting high expectations for all students - regardless of a student's prior academic experience, family background, socio-economic status or (dis)abilities and promoting respect for student differences;

(d) recognizing the essential role that language acquisition and literacy play in the lives of students, especially culturally and linguistically diverse students, not only in respect to listening, speaking, reading, and/or writing, but as home and community practices that shape a culturally responsive understanding of students' social, racial, linguistic, and ethnic identities, of their communities, and of their world;

(e) communicating in culturally and linguistically responsive ways;

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

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

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

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

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

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

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

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

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

2120.2. College and Career Counseling; Flexible Pathways.

SchoolsSupervisory unions, supervisory districts, and schools must ensure that students receive appropriate college and career counseling, program information regarding the availability of education and apprenticeship program offerings at career technical education centers, and must provide students the opportunity with opportunities to experience learning through flexible and multiple pathways, including but not limited to career and technical education, virtual learning, work-based learning, service learning, internships, apprenticeships, community research, civic and community engagement, dual enrollment, and early college. Learning must occur under the supervision of an appropriately licensed educator. Learning expectations must be aligned with state expectations and standards.

the expectations of the supervisory union or supervisory district curriculum for the applicable content area. Students must be allowed to demonstrate proficiency by presenting multiple types of evidence, including but not limited to teacher -or student-designed assessments, portfolios, performances, exhibitions, and projects.

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

(a) integrate understanding and respect for the diversity of cultural, racial, ethnic, linguistic, and social identities and experiences that shape and impact learners' lives and integrate that understanding into the supervisory union and supervisory district's planning and procedures related to flexible pathways;

(b) recognize and reduce social and economic barriers to accessing flexible pathways;

(c) recognize the lived experience of students who are neurodiverse and/or have disabilities;

(d) offer resources and learning opportunities that incorporate the civil and individual rights of and highlight the importance of inclusion of people with disabilities in society;

(e) communicate to students and parents and legal guardians how they can learn about, access and benefit from flexible pathways through different means and in easy-to-understand language that is linguistically appropriate and culturally responsive, including in their home languages and in accessible formats;

(f) monitor and report annually on general participation rates, continuous improvement metrics, the proportional representation of ethnically, racially, linguistically, and socially diverse student populations in the program, resource allocations and their effects on ensuring equitable access to the program, and any obstacles to student participation in whole or for particular groups of students; and

(g) provide students with flexible pathways opportunities, consistent with 16 V.S.A. §941, to have as part of their learning experiences quality interactions with teachers and other adults who represent a range of cultural, ethnic, racial, linguistic, and social diversity.

2120.3. Career and Technical Education.

~~Schools~~School districts serving grades 9-12~~nine through twelve~~ shall coordinate with their designated career and technical education center to ensure genuine access and support for all eligible students as required ~~in~~by 16 V.S.A. §1541a. Any eligibility requirements for a given career technical education program need to be equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive. Eligibility requirements shall be clear, accessible, and communicated in languages that are accessible by students, parents/legal guardians, and staff. Schools shall ensure that students receive appropriate career counseling and ~~program information regarding the availability of education and apprenticeship program offerings at~~shall offer a genuine opportunity for students to access career and technical centers~~center programs~~. Demonstrations of learning such as credits or grades earned in an approved career and technical education course or program are subject to the requirements of 16 V.S.A. §1545.

2120.4. Personalized Learning Plans.

As required in 16 V.S.A. §941, ~~schools,~~ school districts shall ensure all students in grades seven through ~~12~~twelve are engaged in an ongoing personalized learning planning process that is documented by a ~~Personalized Learning Plan~~personalized learning plan, which shall be a written document developed by and for the student, with a representative of the school and, if the student is a minor, the student's parent or legal guardian. The ~~Personalized Learning Plan~~personalized learning plan shall describe the scope and rigor of learning opportunities and ~~support services~~supports necessary for the ~~student to~~students to develop aspirations, achieve college and career readiness prior to graduation, and to, attain a high school diploma, and participate confidently in the civic, cultural, and social life of their school system, community, state and nation. This plan must be reviewed at least annually by November 30.

~~This section is effective in accordance with the rolling implementation dates established in Section 14 of Act 77 of 2013, as may be amended.~~

2120.5. Tiered System of Support

[Prior to July 1, 2024, this Subsection 2120.5 was named "Curriculum Content" and "Tiered System of Support" was numbered as Subsection 2121.5.]

In accordance with 16 V.S.A. §2902, each school district shall ensure that a tiered system of academic and behavioral supports is in place to assist all students in working toward attainment of the performance standards. This system will result in the collaboration of all adults to meet the academic, behavioral, social, and emotional/mental health needs of each and every student. Supports are provided as layered high-quality, evidence-based instruction, intervention, and assessment practices that are matched to student strengths and needs, based on the effective and timely use of meaningful data. This system shall be aligned with each school's personalized learning plan process. Each school district shall assign responsibility for developing and maintaining the tiered system of supports either to the superintendent pursuant to a contract entered into under 16 V.S.A. §267 or to the school principal.

Vermont's preK-12 tiered system of supports aligns the components of early multi-tiered systems of support (Early MTSS) with those of the VTmtss Framework to ensure a continuous, comprehensive, and integrated system of supports for every preK-12 student.

Through personal learning plans, individualized education programs, education support teams, and Section 504 plans, educators shall work with students and their families to facilitate two-way communication and cooperative efforts to support each student's success. These learning plans shall address individual needs with a tailored plan designed to help students personalize their learning, meet state learning standards, and remain on track to graduate. Federal and state law, and State Board rule, have required these plans over time to ensure equity for students.

A student's personalized learning plan shall help inform the structures and services put in place to support individual student learning. Provision of specific student supports, including relevant accommodations, shall be detailed within a student's individualized education program or 504 plan as required by federal law. Tiered systems of support should also integrate elements of early multi-tiered systems of support, as relevant, to ensure that comprehensive and integrated systems of support are in place for all preK-12 students.

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

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

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

~~2120.5~~ Health services, including health appraisal and counseling, communicable disease control, mental health services, emergency and first aid care, and access to professional counseling, shall be made available in a confidential manner to students in each school. These health services shall be respectful of the lived experiences and unique identities of students, including gender identity and gender transition, and be delivered in

accordance with the school district's written policies and procedures, which shall be developed in collaboration with parents and community health resources.

2120.6. Curriculum Content- Areas

[Prior to July 1, 2024, this Subsection 2120.6 was named "Curriculum Content" and appeared at Subsection 2120.5. The subsection now numbered as 2120.7, named "Curriculum Coordination," appeared here as Subsection 2120.6.]

Each supervisory union board shall ensure the written and delivered curriculum within their or supervisory union district shall develop documented curriculum that is aligned with the standards approved by the State Board of Education. Each school shall. The curriculum shall be equitable, anti-racist, culturally responsive, anti-discriminatory, inclusive, and accessible to families and community members. Knowledge of diverse cultures, languages, and perspectives shall be incorporated into learning activities and curriculum design, including connecting students' life experiences and ways of learning, to help students to access rigorous curriculum and develop higher order thinking skills.

Each school district shall enable students to engage annually in rigorous, relevant, and comprehensive learning opportunities that allow them to demonstrate proficiency in the content areas (a) – (h) below.

a. literacy (including critical thinking, language, reading, speaking and listening, and writing);

(a) English language arts and literacy, including critical thinking, language, reading, spelling, comprehension, speaking and listening, and writing. Demonstrating proficiency in literacy includes the ability to engage with language to acquire, construct and communicate meaning, and to shape meaning to identity in aspects of daily living. All students need to receive systematic reading instruction in the early grades from a teacher who is skilled in teaching reading through a variety of evidence-based instructional strategies that take into account language knowledge and skills, as measured by effective assessments (e.g., screening, formative, summative, and diagnostic) and the linguistic background of each student. Some students may require intensive supplemental instruction tailored to the unique difficulties encountered, irrespective of special education eligibility.

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

e.(c) Science and engineering practices, cross-cutting concepts, and disciplinary core ideas, scientific inquiry and content knowledge (including that include the concepts of life sciences, physical sciences, earth and space sciences and, engineering, and technology design);

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

(e. physical) Physical education and health education, as defined in 16 V.S.A. §131-13, that

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

g. transferable skills (including communication, collaboration, creativity, innovation, inquiry, problem solving

and the use of technology).

~~Each school shall~~1. provide students in grades Kk-8 with at least two physical education classes per week. Each school shall provide and students in grades 9-12nine through twelve with one and one-half years of physical education or the equivalent thereof, at a minimum; and aligned with the school district's proficiency-based learning and graduation requirements;

~~Each school shall~~2. offer options for students in grades Kk-12 to participate in at least 30thirty minutes of physical activity within or outside of the school day. Physical activity may include recess and movement built into the curriculum, but does not replace physical education classes; and

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

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

(f) Artistic expression and core arts disciplines such as dance, media arts, music, theater, and visual arts, in alignment with standards approved by the State Board.

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

(h) Ethnic and social equity studies, as described in Act 1 (2019), which promotes critical thinking regarding the history, contribution, and perspectives of ethnic groups and social groups.

~~Each school district shall ensure students are able to access academic and experiential learning opportunities that reflect their emerging abilities, interests and aspirations, as outlined in the students' Personalized Learning Planspersonalized learning plans.~~

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

2120.67. Curriculum Coordination-

~~As required in 16 V.S.A. §261a(a)(Prior to July 1), the board of each supervisory union shall ensure that each,~~
2024, this Subsection 2120.7 appeared at Subsection 2120.6. The subsection now numbered as 2120.8 "Graduation Requirements," appeared here as Subsection 2120.7.]

~~Each school implements the supervisory union's~~district shall implement a written and delivered curriculum, which shall be developed pursuant to Subsection 2120.6 (Curriculum Content Areas) that is:

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

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

Each supervisory union, supervisory district, and school district board shall align existing policies and create new policies as needed to accomplish the following:

- (a) promote research, coordination and professional learning that leads to the development of age-appropriate and grade-appropriate programming and resources in ethnic and social equity studies that are integrated into all learning content areas in Subsection 2120.6 (Curriculum Content Areas) and that are responsive to the developmental needs of all students, pre-kindergarten through grade twelve; and
- (b) create systems for regularly, systematically, and continuously evaluating performance in attaining the above goals.

2120.8. ~~2120.7~~-Graduation Requirements-

[Prior to July 1, 2024, this Subsection 2120.8 "Graduation Requirements" appeared at Subsection 2120.7. The subsection then numbered as 2120.8 "Local Graduation Requirements," has been modified and appears now as part of this Subsection 2120.8 "Graduation Requirements."]

A student meets the requirements for graduation when the student demonstrates evidence of proficiency in the ~~curriculum~~learning content outlined in Subsection 2120.5,6 (Curriculum Content Areas) and ~~completion~~ of completes any other requirements specified by the ~~local board of the school~~ district attended by the student.

~~This requirement is effective no later than September 2014 for students entering seventh grade and through their secondary school progression, for the anticipated graduation date of June 2020, and with each subsequent incoming seventh grade class.~~

For students eligible for special education services under IDEA or protected by Section 504 of the federal Rehabilitation Act, the student shall meet the same graduation requirements as ~~non-disabled~~typical peers in an accommodated and/or modified manner. These modifications will be documented in each student's personalized learning plan. A student's Personalized Learning Plan.

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

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

Supervisory unions and supervisory districts must provide appropriate programs and accommodations that ensure English Language Learner (ELL) students have access to grade-level curricula so they can meet promotion and graduation requirements. These programs and accommodations must be documented in each student's personalized learning plan.

Graduation policies ~~2120.8~~ Local Graduation Requirements.

~~Each secondary school board is responsible for setting graduation requirements in accordance with these rules.~~

~~Local graduation policy must define proficiency-based graduation requirements based on standards adopted by the State Board of Education. As required in 16 V.S.A. §261a(a)(1), it. It is the responsibility of the supervisory union or supervisory district board to ensure alignment in expectations for all students within a supervisory union its schools.~~

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

2121 PROFESSIONAL RESOURCES

2121 School Leadership; Professional Resources

2121.1. School Leadership.

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

Each supervisory union, supervisory district, and school district board shall ensure the alignment of existing policies and create new policies as needed to ensure compliance with these Education Quality Standards. When undertaking this policy work, boards and school leadership shall engage with the communities they serve and seek input and guidance through a process that includes the diverse voices and experiences of students, parents

and legal guardians and other community members who are often underrepresented in this work and in school decision-making.

Supervisory union, supervisory district, and school district boards shall establish and make accessible an inclusive process for receiving public feedback, to include students, legal guardians, and staff feedback regarding their experiences in the school system, especially as it relates to racial, ethnic, or social identity group experiences. Boards and school leadership must also establish procedures for handling and responding directly to complaints regarding compliance with school policies, practices, and these Education Quality Standards. These documented complaints and responses shall be included in annual reporting to the Agency as required in Section 2126 (System for Determining Compliance with Education Quality Standards).

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

~~(a.) supervise a licensed principal~~ principals and career technical education center directors, as applicable, who shall be responsible for the day-to-day leadership of ~~the~~ their school or center;

~~(b.) create a school leadership team consisting of administrators and teachers (and students as appropriate) with compensation either in time or financial reimbursement, or a combination of both, for all teachers;~~

~~(c.) create professional learning groups for all teachers that meet during school time at least two hours per month and are facilitated by trained teachers;~~

~~(d.) engage in professional development coursework and professional learning opportunities to understand and advance equity across the supervisory union or supervisory district;~~

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

1. ~~1.~~ teaching a course or hosting an advisory with students;

2. mentoring a group of students in developing their ~~Personalized Learning Plans~~ personalized learning plans;

3. providing support for students through support services; or

4. promoting other methods of student engagement as approved by the superintendent.

~~e.~~ (f) provide teacher support and evaluation aligned with the guidelines approved by the State Board of Education; and

~~f.~~ (g) minimize, as much as possible, supervision of non-teaching staff by the principal.

The principal shall be answerable to the superintendent in the performance of ~~his or her~~ their duties.

~~Schools with 10 or more full-time equivalent teachers shall employ a full-time licensed principal. Schools with fewer than 10 FTE teachers shall employ a licensed principal on a pro-rata basis.~~

2121.2. Staff

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

Instructional

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

2121.2.1 Staffing Requirements

Schools with ten or more full-time equivalent teachers shall employ a full-time licensed principal. Schools with fewer than ten full-time equivalent (FTE) teachers shall employ a licensed principal on a pro-rata basis.

Each supervisory union or supervisory district shall employ licensed special education staff; and shall ensure each school employs sufficient and qualified staff as needed to identify students eligible for special education services and to implement each eligible student's ~~Individual Education Program~~ individualized education program and Section 504 plan.

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

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

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

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

The Vermont Department of Health recommends implementing the School Nurse Leader School Health Services Delivery Model, which is consistent with the principles of the national Coordinated School Health Model, to ensure appropriate access and coverage.

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

2121.2.2 Class Size

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

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

2121.3. Needs Based Professional Learning.

Each supervisory union or supervisory district shall develop and implement a system of appropriate needs-based professional learning for all professional staff, including administrators and other staff involved in student instruction, as. This shall include ongoing resources and supports to create and strengthen an equitable, anti-racist, anti-discriminatory, and culturally and linguistically responsive, and inclusive school experience for all students and to cultivate the knowledge, skills, and practices required in 16 V.S.A. §261a(a)(5) to identify and remediate discrimination because of, or based upon, the reasons set forth in Section 2113 (Federal and State Entitlements Nondiscrimination; Federal and State Requirement; Student Records), and in the Statement of Purpose. Time for professional learning should will be embedded into the school day agreed-upon scheduled times for school employees as defined by collective bargaining agreements where they exist.

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

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

2121.4. Staff Evaluation.

For the purposes of this section, ~~1 staff~~ "staff" includes administrators, educators, and other school employees working with students. Staff evaluation programs and policies shall be designed and implemented with the goal of improved student performance, outcomes, and learning experiences. Such programs and policies shall:

(a.) be consistent with the provisions of state and federal law and the Vermont Guidelines of Teacher and Leader Effectiveness adopted by the State Board of Education;

(b.) include multiple sources of evidence to inform and measure teacher performance;

(c.) address the professional learning needs of all staff, including administrators;

(d.) address the needs of teachers who are new to the profession, or the assignment or the school; and

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

2121.5. Tiered System of Support.

~~In accordance with 16 V.S.A. §2902 and State Board Rule 2194, each school shall ensure that a tiered system of academic and behavioral supports is in place to assist all students in working toward attainment of the standards. This system shall be aligned with the school's Personalized Learning Plan structures, and specific student support services shall be specified within a student's Personalized Learning Plan.~~

~~School counseling services shall support the mission and vision of the school and shall be available to all students K-12. The services shall address students' academic, career, personal and social development. Such services shall be aligned and integrated with the work of other professionals in the school setting, as well as those in other educational and human services.~~

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

~~Health services, including health appraisal and counseling, communicable disease control, mental health, and emergency and first aid care, shall be made available in a confidential manner to students in each school. These health services shall be delivered in accordance with the school district's written policies and procedures, which shall be developed in collaboration with parents and community health resources.~~

~~The Vermont Department of Health recommends that schools and supervisory unions implement the School Nurse Leader School Health Services Delivery Model, which is consistent with the principles of the national Coordinated School Health Model, to ensure appropriate access and coverage across their district or supervisory union.~~

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

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

2121.6. Interagency Teams.

Schools shall participate in interagency teams as required by 33 V.S.A. 54303 and any other requirement of law.

2122 LEARNING ENVIRONMENT

2122.1 School Facilities and the Learning Environment, Instructional Materials

2122.1. School Facilities

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

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

Each school's comprehensive plan for responding to ~~student discipline and misbehavior~~, as required by 16 V.S.A. §1161a(a), shall ~~address student behavior, language, classroom attendance, clothing and treatment of property, as well as~~ be clear and consistently enforced and shall include consequences for violations of the policy, and shall be clear and consistently enforced.

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

2122.2. Access to Instructional Materials -

~~Each school shall:~~

Each school district shall provide anti-racist, culturally responsive, anti-discriminatory, and inclusive instructional materials and, further, shall:

~~(a-) provide a learning environment with sufficient supplies and infrastructure to allow for learning;~~

~~(b-) develop, maintain, and expand as needed a collection of accessible print, multi-media, alternate format (e.g., high-quality audio files, electronic braille, and other forms of E-texts), digital and technology resources, that are administered by a certified library media specialist;~~

~~(c-) ensure that the curriculum is supported by necessary and accessible digital, multi-media, alternate format (e.g., high-quality audio files, electronic braille, and other E-text tools and resources), and print resources;~~

~~(d-) ensure that students, teachers, administrators, and paraprofessionals have access to an organized collection of digital, multi-media, alternate format (e.g., high-quality audio files, electronic braille, and other E-text tools and resources), and print materials sufficient and appropriate to support all students in meeting or exceeding the current state and national standards at no cost to the student;~~

~~(e-) provide students access to the library on a regular basis to use materials for reading, research, and for instruction in the skills needed to select and use information effectively;~~

(f-) provide access to and instruction on how to use a variety of up-to-date information, and assistive, and other technology to support students in meeting or exceeding the standards learning;

(g-) provide broadband ~~internet~~ internet service for students and educators to access educational resources;

(h-) adopt and implement written policies on electronic resources, acceptable ~~internet~~ internet usage, and procedures for handling complaints ~~for~~ from both staff and students;

(i-) support a schedule that provides opportunities for a library media specialist to collaborate with teachers as they integrate information research skills into their curriculum; ~~and~~

(j-) ensure that students are afforded the opportunity to learn the skills to locate, evaluate, synthesize, and to present information and ideas within content areas using technology integration; and

~~2123 STATE AND LOCAL COMPREHENSIVE ASSESSMENT SYSTEM~~

(k) ensure English Language Learners (ELL) receive assistance to which they are entitled by providing language interpreters, services, and technology that allow them to participate equitably in all instructional and co-curricular programs.

2123 State and Local Comprehensive Assessment System

2123.1. Participation in the State Comprehensive Assessment System.

Each school ~~district~~ shall administer assessments of student performance using methods developed by the State Board of Education under 16 V.S.A. §164(9) ~~-~~. Students who are unable to participate in district or state assessments shall be given an alternate assessment in accordance with law. Each school shall account for 100 percent of its students ~~in regard to~~ regarding their participation in the state assessments.

2123.2. Development and Implementation of Local Comprehensive Assessment System.

Each supervisory union or supervisory district shall develop, and each school shall implement, a local comprehensive assessment system that:

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

(b-) employs a balance of assessment types, including but not limited to, teacher-or student-designed assessments, portfolios, performances, exhibitions ~~and~~, projects, and surveys or other tools to measure the social-emotional health of students;

~~e. includes both formative and summative assessments;~~

(c) includes both formative and summative assessments, including those that establish annual protocols and timelines for assessing the progress and needs of English Language Learners (ELL) beginning at the point of enrollment and continuing at designated intervals during the year as determined by the teachers and parents or legal guardians of English Language Learners (ELL) or as mandated in law or policy;

(d-) enables decisions to be made about student progression and graduation, including measuring proficiency-based learning, the social-emotional well-being of students, the existence and severity of opportunity and achievement gaps or deficiencies, and the state of progress on local, state, and national directives intended to advance social and academic equity initiatives;

(e-) informs the development of Personalized Learning Planspersonalized learning plans and student supportsupports made available to students;

(f-) provides data that informs decisions regarding instruction, professional learning, and educational resources and curriculum; and

(g-) reflects strategies and goals outlined in the district's Continuous Improvement Plan.

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

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

2124 REPORTING OF RESULTS. Reporting of Results

~~As required in 16 V.S.A. §165(a)(2), each school~~

2124.1. Minimum Reporting Requirements

Each supervisory union or supervisory district shall report student and system performance results, on a school-by-school basis, to the community at least annually in a formatformats selected by the school district board. TheAt minimum, the report shall at minimuminclude indicators provided by the Agency, those elements listedidentified in 16 V.S.A. §165a(165(a)(2)(A-K-), and other locally determined indicators, including, but not limited to, indicators that describe students':

(a) academic performance using data from the most recent state and local assessments and other information related to student academic performance that describes student progress toward meeting academic standards;

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

(c) enrollment in and completion of flexible pathways, including career technical education, virtual learning, work-based learning, service learning and internships, community research and civic and community engagement, dual enrollment, and early college;

(d) social and emotional well-being;

(e) discipline, including suspensions and detention actions;

(f) incidents of harassment, hazing, and bullying as required in 16 V.S.A. §164(17);

(g) referrals to and participation in programs for students with disabilities, including Section 504 and special education as defined by federal and state law; and

(h) participation in school programs, including enrollment in and successful completion of flexible pathways, career training opportunities, advanced placement courses, and extracurricular activities.

2124.2. Requirements for Disaggregating Student-level Data

Student level indicators shall be disaggregated, at a minimum, by school and according to student subgroups, including students identified:

(a) as economically disadvantaged;

(b) from major racial and ethnic groups, as defined by the US Census Bureau;

(c) as having a disability, inclusive of students with Section 504 plans and students with individualized education programs, separately and in total;

(d) with limited English proficiency, including immigrant children and youth; and

(e) as publicly-funded students who attend an approved independent school, as made available by the Secretary.

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

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

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

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

2125-CONTINUOUS IMPROVEMENT PLAN

A. Continuous Improvement Plan, as required in 16 V.S.A. §

Each supervisory union or supervisory district shall develop and implement a Continuous Improvement Plan for each school as described by 16 V.S.A. §165, shall be developed and implemented in each public school district. The plan shall be designed to improve the performance of all students enrolled in the district. If a school the supervisory union or supervisory district comprises more than one school building, a combined plan for some or all of the buildings may be developed. The plan, however, may reflect provided that the Plan reflects the different needs of individual schools.

~~The plan should be~~ The Plan shall be designed to improve student learning and maintain a safe, orderly, and civil learning environment that is equitable, anti-racist, culturally responsive, anti-discriminatory, inclusive, and free from harassment, hazing, and bullying. The Plan should serve as the overall strategic plan for the supervisory union or supervisory district and incorporate reporting, planning, and implementation document for the school, incorporating other planning requirements (either from the state, the federal government, local requirements, or external grant requirements) into a single planning document. ~~of federal and state law, and any other regulatory requirement, including those that are local.~~

~~The plan~~ Plan shall be developed with the involvement ~~by involving a culturally and socially diverse group comprised of school board members, students, teachers, administrators, parents/families, and other community members. The plan~~ Plan shall be reviewed at least annually for effectiveness toward meeting the stated goals, and shall be revised as necessary.

~~The plan~~ Plan shall include indicators provided by the Vermont Agency, including those identified in 16 V.S.A. §165(a) and indicators reported pursuant to Section 2124 (Reporting of Education Results), as well as any additional indicators determined locally. These indicators will identify student performance data obtained from state and local assessments and other information related to student performance which may include, but is not limited to, dropout and retention rates, attendance, course enrollment patterns and graduation rates. Indicators may ~~The Plan shall include student-level indicators aggregated for the supervisory union or supervisory district and disaggregated according to school and student subgroups as identified by Section 2124. In no case shall personally identifiable information of an individual student be revealed or the state's minimum group size for reporting be violated.~~

~~The Plan shall also include data~~ report on school practices and leadership, and consider findings from the supervisory union or supervisory district's self-evaluation, if applicable, conducted in accordance with Rule Series 100: District Quality Standards, and at a minimum contain:

~~Agency support shall be differentiated in accordance with school needs, and shall work to reduce interventions for schools where student performance data indicates growth and success.~~

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

~~(a.)~~ goals and objectives for improved student learning;

~~(b.)~~ educational strategies and activities specifically designed to achieve these goals, including professional learning of administrative and instructional staff;

~~(c.)~~ strategies and support ~~support systems~~ to ensure the school maintains a learning and social environment that is safe, orderly, civil, and positive learning environment which is, and equitable, anti-racist, culturally responsive, anti-discriminatory, inclusive, and free from harassment, hazing and bullying; and

~~(d.)~~ required technical assistance from the Vermont Agency of Education, as appropriate or determined by law.

~~2126 SYSTEM FOR DETERMINING COMPLIANCE WITH EDUCATION QUALITY STANDARDS~~

The supervisory union or supervisory district board shall approve the Plan annually.

2126 System for Determining Compliance with Education Quality Standards

2126.1. Filing of Continuous Improvement Plan.

~~On Pursuant to 16 V.S.A. §165(a two-year cycle published by the Agency,)(1), each school-supervisory union or supervisory district is required to annually file a copy of the school's/school or schools' Continuous Improvement Plan for the current school year. This includes listing with the Agency, as well as the following:~~

(a) its responses to written public feedback and complaints, pursuant to Subsection 2121.1 (School Leadership).

(b) a list of the indicators (both those required by the Vermont Agency of Education or these rules, and any additional indicators as desired for use used by the school) used for reflection and creation of the school's Continuous Improvement Plan;

(c) a description of the accomplishments, progress, and changes regarding goals and strategies from the previous year's Continuous Improvement Plan, and

(d) other evidence of meeting Education Quality Standards.

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

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

1. All Pursuant to 16 V.S.A. §165(b), at least annually, the Secretary shall determine whether students in each Vermont public school and independent school designated as meeting education quality standards are provided educational opportunities that are substantially equal in quality and that are equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive.

The review will be based on the requirements of this rule and consideration may include, but is not limited to:

(a) information contained in Continuous Improvement Plans will be reviewed-submitted by supervisory unions or supervisory districts on behalf of their schools, including data reported to the Agency as required by Agency staff, with assistance from Section 2124 (Reporting of Results);

(b) other Vermont educators in a peer review process, as required or desired. Each school will receive feedback from this review.

2. To information necessary to meet the state accountability standards (which comply with and federal accountability standards and requirements), schools will be expected; and

(c) written feedback and complaints that are submitted to develop and revise the the supervisory union or supervisory district that relate to whether a school meets the Education Quality Standards pursuant to Subsections 2121.1 1 (School Leadership) and 2126.1 (Filing of Continuous Improvement Plan-based on the Secretary's recommendations, accountability status and student outcomes. The Agency may

~~choose to differentiate support and requirements for individual schools based on identified needs) and subsequent responses.~~

~~3. On an annual basis, the Agency will identify schools for an Education Quality Standards Review. All schools, regardless of accountability status, will be eligible for this review. The Secretary of Education will determine the requirements and outcomes of this review, including a peer review system between schools. The review will be based on the requirements of this rule to ensure equity and improved outcomes for students.~~

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

~~As required in 16 V.S.A. §165 (b), every two years the Secretary shall determine whether students in each Vermont public school are provided educational opportunities substantially equal to those provided in other public schools. If the Secretary determines that a school is not meeting the quality standards, he or she shall recommend requirements of this rule or that the school is making insufficient progress in improving student performance pursuant to 16 V.S.A. §164(9), the Agency shall describe in writing any actions that a district the school must take and effort to ensure the school meets Education Quality Standards and must provide technical assistance to the supervisory union, supervisory district, and/or school, as needed. If the school fails to meet the standards or make sufficient progress set forth in this rule or to make sufficient progress toward improving student performance pursuant to 16 V.S.A. §164(9), the Secretary shall recommend to the State Board one or more of the actions identified by the end of the next two year period, recommendations will be made to the State Board of Education as outlined in 16 V.S.A. §165(b). 16 V.S.A. §165(b)(1-5).~~

16 V.S.A. §165(f) regulates the process for an independent school to be designated as meeting Education Quality Standards, as well as the provision of technical assistance in the event that if the State Board finds an independent school it is not meeting the standards or is failing to make progress ~~toward~~ toward meeting the standards.

~~2127-VARIANCE AND WAIVER. Variance and Waiver~~

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

~~(a.) the alternative method is consistent with the intent of the rule;~~

~~(b.) the variance permits the school board to carry out locally -established objectives; and~~

~~(c. the) granting of the variance does not contravene any state or federal law, any federal regulation, or any rule of any state agency other than the State Board of Education, unless such rules themselves permit the granting of a waiver or variance.~~

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

~~(a.) necessary to carry out locally -established objectives;~~

~~(b.) student learning will not be adversely affected;~~

~~(c.) classroom control will not be compromised; and~~

(d-) it is otherwise in the best interests of student learning.

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

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

~~**2128 EFFECTIVE DATE**~~

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

2128. Implementation and Support

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

2129. Effective Date

These amendments shall take effect on July 1, 2025.

Clean
Copy

Vermont State Board of Education

Rule Series 2000 – Education Quality Standards

CVR 22-000-003

APPROVED FINAL RULE

VOTED 4/17/2024

2000 Education Quality Standards

2100. Statutory Authority

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

2105. Statement of Purpose

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

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

These rules prohibit discrimination against any student pursuing an education or participating in the general life or activities of a school because of or based on any actual or perceived protected class consistent with state and federal law. No student shall be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity as the result of, or based upon, the student's race, gender, color, creed, religion, national origin, marital status, sexual orientation, gender identity, or disability, or any other reason set forth in state or federal law.

In addition to the non-discriminatory protections in Section 2113 (Federal and State Entitlements Nondiscrimination; Federal and State Requirement; Student Records), discriminating against any student pursuing an education or participating in the general life or activities of a school as a result of or based upon, ethnicity, caste, language and linguistic diversity, socio-economic status, housing status, or non-citizenship or immigration status, is contrary to the State Board's intent that all students experience an equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive learning environment.

These rules further require each supervisory union, supervisory district, and school district, to strive for a culturally responsive pedagogy that critically examines and imparts a comprehensive historical and socially conscious understanding of:

- (a) the causes and effects of bias and discrimination as a result of, or based upon, the reasons set forth in Section 2113 (Federal and State Entitlements Nondiscrimination; Federal and State Requirement; Student Records) and in this Statement of Purpose;

- (b) why all persons should have equitable access to social and economic opportunity;
- (c) why persons and institutions must identify and prevent individual, group, and systemic racism, discrimination, and all forms of unfair treatment; and
- (d) the positive and multi-faceted contributions of different social, cultural, racial, linguistic, ethnic, and indigenous groups to the historical and ongoing project of building and strengthening democracy in the United States and globally.

Nothing herein shall be construed to entitle any student to educational programs or services identical to those received by other students in the same or different supervisory union, supervisory district, school district, or school. These rules are in addition to and, unless otherwise specifically stated, do not supersede other rules adopted by the Agency or State Board. Nothing herein shall create a private right of action.

2110. Definitions

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

“Agency” means the Vermont Agency of Education.

“Anti-discriminatory” practices are actions, behaviors, programs and policies by school staff, students, school boards, contractors, and community members involved in the daily operations of schools that are necessary to counter discrimination, and that promote a fair, just, and equitable learning environment for all students.

“Anti-racist” practices are actions, behaviors, programs, and policies designed and/or implemented by school staff, students, school boards, contractors, and community members involved in the daily operations of schools that are necessary to counter racism and that promote a racially inclusive learning environment for all students.

“Appropriately licensed educator” means any teacher or administrator requiring a license under 16 V.S.A. Chapter 51 and in accordance with the Rules Governing the Licensing of Educators and the Preparation of Educational Professionals.

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

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

“Civic and Community Engagement” refers to individual and/or collective actions that identify and address issues of public importance, and that provide people with opportunities that contribute to the current and future development of their communities and a democratic society. Civic and community engagement can take place in a variety of formal and informal settings, including but not limited to, those in governance and electoral politics, educational, cultural, and recreational activities, community service and social justice movements.

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

“Critical thinking” is the objective examination of an issue to discern or form a judgment based on evaluating evidence, checking assumptions, and adopting multiple perspectives to better understand the question at hand.

“Culturally and Linguistically Diverse Students” are those who are members of home, cultural, or social environments whose experience and success is enhanced by schools demonstrating respect for a multitude of linguistic competencies and fostering systems of academic and social inclusion that acknowledge the fundamental importance of such competencies. Linguistic competencies are cultural and linguistic resources that students, families and communities draw upon, including, but not limited to, a variety of languages, including Indigenous languages, multiple-sign languages, and African American Vernacular English and other dialects.

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

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

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

“Equity” or “Equitable,” as referenced in these rules in relation to schools or educational programs, results in each student receiving the resources and educational opportunities to learn and thrive in all aspects of learning, school life, career technical education, and community-school interactions, and to discover and cultivate their talents and interests. To be achieved, equity requires an inclusive school environment and may necessitate an unequal distribution of resources and services based on the needs of each student.

“Ethnicity” embodies a wide range of criteria used to identify ethnic groups, such as a common history, ancestry or culture, national, social or geographic origin, skin color, language, religion, tribe or indigenous people (including the Indigenous Peoples of Vermont), or various combinations of these characteristics, and may reflect a legally protected class of people in some contexts.

“Evidence-based” has the same meaning as 20 U.S.C. §7801(21) and applies practices and activities that are consistent with research on how students communicate, behave, learn, and thrive in ways that are developmentally and socially appropriate and have positive and lasting effects on their education and personal growth.

“Inclusion” or “Inclusive” practices, as used in this rule, are school-based curricula, programs, activities, resources, and policies that ensure that academic learning, co-curricular and social offerings, and all other

aspects of school life are based on the values of equality, equity, social and cultural diversity, freedom and dignity, so that all students are valued as unique individuals and can achieve their full academic and social potential.

“Intercultural Competency” describes practices and actions to pursue deep understanding, mutual respect, and willingness to learn about the cultures of all people, especially those who have been marginalized, silenced, and/or undervalued.

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

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

“Needs-Based Professional Learning” refers to staff learning based upon needs identified through an examination of student performance and organizational and instructional data, and which is aligned with the school’s Continuous Improvement Plan, curriculum, and pedagogical practices.

“Neurodiversity” refers to the natural and important variation in how human minds think and is not to be cured or corrected to fit social norms. These differences can include, but are not limited to, autism, attention deficit hyperactivity disorder, dyspraxia, dyslexia, dyscalculia, and Tourette Syndrome.

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

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

“Race” embodies an invented or socially constructed concept that is used to categorize groups and cultures on the basis of physical differences transmitted through descent, like skin color, and may reflect a legally protected class of people in some contexts.

“Racism” embodies the theory, belief, or act of making value judgements that are based on racial, ethnic, or cultural differences, or which advances the claim that racial, ethnic, or cultural groups are inherently superior or inferior, thus explicitly arguing or implying that some groups are entitled to dominate, exploit, exclude, or eliminate others presumed to be inferior. Racism is practiced by individuals and groups, and it is expressed

systematically through the structures, laws, regulations, practices and policies of public and private institutions, employers, and organizations.

“Restorative Practices” refer to whole-school, relational approaches to building school climate and addressing student behavior that fosters belonging over exclusion, social engagement over control, and meaningful accountability over punishment. They encourage members of the school community to be constantly present, attending to needs as they arise. They exercise the ability to be dynamic rather than static in a given response. Restorative approaches also begin with proactive structures to build positive relationships and communication and create a space for people to express themselves—their strengths, assets, responsibilities, and also their vulnerabilities. Neither restorative approaches, practices, processes, nor programs shall remove or lessen to any degree a supervisory union, supervisory district, or school’s responsibility under Vermont law and policy to investigate, call out, name, and discipline behaviors that violate the Agency’s “Policy on the Prevention of Harassment, Hazing, and Bullying” (HHB) and Federal Title IX.

“School” refers to an organizational structure designed to facilitate student learning. This could include an individual school or a combination of schools with one administration, inclusive of outdoor recreation areas, paths, and facilities, and could include learning opportunities both within and outside of school buildings and school day. It also includes career technical education centers, as specified in 16 V.S.A. Chapter 37, and virtual learning experiences and opportunities offered by the school, supervisory union, or supervisory district. Where the context suggests that a “school” take an action, the action shall be taken by the superintendent or school official designated by the superintendent, unless otherwise specified herein or in law or regulation.

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

“Social Identity Group” refers to a group of people who share common characteristics that shape their identity and promote a sense of unity, including sex, sexual orientation, gender identification, disability, class, socio-economic status, or other characteristics that are fundamental to identity.

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

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

2111. Adoption of Performance Standards

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

2112. Education Quality Standards

To carry out Vermont’s policy that all Vermont students will be afforded educational opportunities that are substantially equal in quality, and to ensure continuous improvement in student performance, each supervisory union, supervisory district, school district, and school to which these rules apply, pursuant to 16 V.S.A. § 165 shall meet the following education quality standards and annually report to their communities in an understandable, inclusive, and comprehensive form as required in 16 V.S.A. §165(a)(2).

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

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

2113.1 Federal and State Entitlements

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

2113.2 Nondiscrimination

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

2113.3 Federal and State Requirements; Student Records

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

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

(c) Student Record Maintenance and Retention.

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

2. Each supervisory union, supervisory district, and school district shall develop and implement policies and procedures for the secure collection, maintenance, disclosure, transfer, and destruction of academic records. Policies shall ensure that records are kept physically and

electronically secure; enable accurate and timely reporting in connection with state and federal data collection requirements in alignment with the Agency's statewide data collection efforts; ensure the accuracy, relevancy, and confidentiality thereof, and accessibility thereto; and comply with the FERPA. School personnel shall protect the confidentiality of all student information and shall release information only as permitted by law.

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

2120. Instructional Practices and Curriculum Development

2120.1. Instructional Strategies

Educators shall promote personalization and high expectations so that each student may successfully engage with the curriculum delivered and meet graduation requirements. Practices employed by educators shall include examining and teaching a subject from multiple academic perspectives and encouraging students to engage with and synthesize diverse perspectives and narratives, including those from the students' lived experiences, into a coherent understanding or analysis. Classroom instruction shall include a range of evidence-based instructional strategies that most effectively improve student learning and engage all students, as identified by national and Vermont guidance, and locally collected and analyzed student data.

Educators shall be supported in:

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

- (h) cultivating student agency by providing multiple ways for students to engage with and demonstrate their new learning;
- (i) emphasizing an inquiry-driven approach to all units of study and bringing real-world issues into the classroom;
- (j) heightening the relevance and importance of learning objectives and providing mastery-oriented feedback;
- (k) employing the use of data to adapt pedagogy to unique student needs and incorporate student feedback into instructional design and curricula;
- (l) teaching students how to develop metacognitive and social emotional skills that improve their academic outcomes;
- (m) designing learning experiences that improve students' wellbeing, including opportunities for physical movement in the classroom; and
- (n) fostering a positive classroom culture using restorative practices where appropriate.

2120.2. College and Career Counseling; Flexible Pathways

Supervisory unions, supervisory districts, and schools must ensure that students receive appropriate college and career counseling, program information regarding the availability of education and apprenticeship program offerings at career technical education centers, and must provide students with opportunities to experience learning through flexible and multiple pathways, including but not limited to career technical education, virtual learning, work-based learning, service learning, internships, apprenticeships, community research, civic and community engagement, dual enrollment, and early college. Learning must occur under the supervision of an appropriately licensed educator. Learning expectations must be aligned with the expectations of the supervisory union or supervisory district curriculum for the applicable content area. Students must be allowed to demonstrate proficiency by presenting multiple types of evidence, including but not limited to teacher or student-designed assessments, portfolios, performances, exhibitions, and projects.

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

- (a) integrate understanding and respect for the diversity of cultural, racial, ethnic, linguistic, and social identities and experiences that shape and impact learners' lives and integrate that understanding into the supervisory union and supervisory district's planning and procedures related to flexible pathways;
- (b) recognize and reduce social and economic barriers to accessing flexible pathways;
- (c) recognize the lived experience of students who are neurodiverse and/or have disabilities;
- (d) offer resources and learning opportunities that incorporate the civil and individual rights of and highlight the importance of inclusion of people with disabilities in society;
- (e) communicate to students and parents and legal guardians how they can learn about, access and benefit from flexible pathways through different means and in easy-to-understand language that is

linguistically appropriate and culturally responsive, including in their home languages and in accessible formats;

(f) monitor and report annually on general participation rates, continuous improvement metrics, the proportional representation of ethnically, racially, linguistically, and socially diverse student populations in the program, resource allocations and their effects on ensuring equitable access to the program, and any obstacles to student participation in whole or for particular groups of students; and

(g) provide students with flexible pathways opportunities, consistent with 16 V.S.A. §941, to have as part of their learning experiences quality interactions with teachers and other adults who represent a range of cultural, ethnic, racial, linguistic, and social diversity.

2120.3. Career Technical Education

School districts serving grades nine through twelve shall coordinate with their designated career technical education center to ensure genuine access and support for all eligible students as required by 16 V.S.A. §1541a. Any eligibility requirements for a given career technical education program need to be equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive. Eligibility requirements shall be clear, accessible, and communicated in languages that are accessible by students, parents/legal guardians, and staff. Schools shall ensure that students receive appropriate career counseling and shall offer a genuine opportunity for students to access career technical center programs. Demonstrations of learning such as credits or grades earned in an approved career technical education course or program are subject to the requirements of 16 V.S.A. §1545.

2120.4. Personalized Learning Plans

As required in 16 V.S.A. §941, school districts shall ensure all students in grades seven through twelve are engaged in an ongoing personalized learning planning process that is documented by a personalized learning plan, which shall be a written document developed by and for the student, with a representative of the school and, if the student is a minor, the student's parent or legal guardian. The personalized learning plan shall describe the scope and rigor of learning opportunities and supports necessary for students to develop aspirations, achieve college and career readiness, attain a high school diploma, and participate confidently in the civic, cultural, and social life of their school system, community, state and nation. This plan must be reviewed at least annually by November 30.

2120.5. Tiered System of Support

[Prior to July 1, 2024, this Subsection 2120.5 was named "Curriculum Content" and "Tiered System of Support" was numbered as Subsection 2121.5.]

In accordance with 16 V.S.A. §2902, each school district shall ensure that a tiered system of academic and behavioral supports is in place to assist all students in working toward attainment of the performance standards. This system will result in the collaboration of all adults to meet the academic, behavioral, social, and emotional/mental health needs of each and every student. Supports are provided as layered high-quality, evidence-based instruction, intervention, and assessment practices that are matched to student strengths and needs, based on the effective and timely use of meaningful data. This system shall be aligned with each school's personalized learning plan process. Each school district shall assign responsibility for developing and maintaining the tiered system of supports either to the superintendent pursuant to a contract entered into under 16 VSA §267 or to the school principal.

Vermont's preK-12 tiered system of supports aligns the components of early multi-tiered systems of support (Early MTSS) with those of the VTmtss Framework to ensure a continuous, comprehensive, and integrated system of supports for every preK-12 student.

Through personal learning plans, individualized education programs, education support teams, and Section 504 plans, educators shall work with students and their families to facilitate two-way communication and cooperative efforts to support each student's success. These learning plans shall address individual needs with a tailored plan designed to help students personalize their learning, meet state learning standards, and remain on track to graduate. Federal and state law, and State Board rule, have required these plans over time to ensure equity for students.

A student's personalized learning plan shall help inform the structures and services put in place to support individual student learning. Provision of specific student supports, including relevant accommodations, shall be detailed within a student's individualized education program or 504 plan as required by federal law. Tiered systems of support should also integrate elements of early multi-tiered systems of support, as relevant, to ensure that comprehensive and integrated systems of support are in place for all preK-12 students.

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

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

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

Health services, including health appraisal and counseling, communicable disease control, mental health services, emergency and first aid care, and access to professional counseling, shall be made available in a

confidential manner to students in each school. These health services shall be respectful of the lived experiences and unique identities of students, including gender identity and gender transition, and be delivered in accordance with the school district's written policies and procedures, which shall be developed in collaboration with parents and community health resources.

2120.6. Curriculum Content Areas

[Prior to July 1, 2024, this Subsection 2120.6 was named "Curriculum Content" and appeared at Subsection 2120.5. The subsection now numbered as 2120.7, named "Curriculum Coordination," appeared here as Subsection 2120.6.]

Each supervisory union or supervisory district shall develop documented curriculum that is aligned with the standards approved by the State Board. The curriculum shall be equitable, anti-racist, culturally responsive, anti-discriminatory, inclusive, and accessible to families and community members. Knowledge of diverse cultures, languages, and perspectives shall be incorporated into learning activities and curriculum design, including connecting students' life experiences and ways of learning, to help students to access rigorous curriculum and develop higher order thinking skills.

Each school district shall enable students to engage annually in rigorous, relevant, and comprehensive learning opportunities that allow them to demonstrate proficiency in the content areas (a) – (h) below.

(a) English language arts and literacy, including critical thinking, language, reading, spelling, comprehension, speaking and listening, and writing. Demonstrating proficiency in literacy includes the ability to engage with language to acquire, construct and communicate meaning, and to shape meaning to identity in aspects of daily living. All students need to receive systematic reading instruction in the early grades from a teacher who is skilled in teaching reading through a variety of evidence-based instructional strategies that take into account language knowledge and skills, as measured by effective assessments (e.g., screening, formative, summative, and diagnostic) and the linguistic background of each student. Some students may require intensive supplemental instruction tailored to the unique difficulties encountered, irrespective of special education eligibility.

(b) Mathematical content and practices, including numbers, operations, and the concepts of algebra and geometry.

(c) Science and engineering practices, cross-cutting concepts, and disciplinary core ideas, scientific inquiry and content knowledge that include the concepts of life sciences, physical sciences, earth and space sciences, engineering, and technology design.

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

(e) Physical education and health education, as defined in 16 V.S.A. §13, that

1. provide students in grades k-8 with at least two physical education classes per week and students in grades nine through twelve with one and one-half years of physical education or the equivalent thereof, at a minimum; and aligned with the school district's proficiency-based learning and graduation requirements;

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

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

(f) Artistic expression and core arts disciplines such as dance, media arts, music, theater, and visual arts, in alignment with standards approved by the State Board.

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

(h) Ethnic and social equity studies, as described in Act 1 (2019), which promotes critical thinking regarding the history, contribution, and perspectives of ethnic groups and social groups.

Each school district shall ensure students are able to access academic and experiential learning opportunities that reflect their emerging abilities and aspirations, as outlined in the students' personalized learning plans.

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

2120.7. Curriculum Coordination

[Prior to July 1, 2024, this Subsection 2120.7 appeared at Subsection 2120.6. The subsection now numbered as 2120.8 "Graduation Requirements," appeared here as Subsection 2120.7.]

Each school district shall implement a written curriculum developed pursuant to Subsection 2120.6 (Curriculum Content Areas) that is:

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

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

(c) coordinated across the supervisory union or supervisory district, including sending high schools and career technical education centers;

(d) informed by ongoing review of new research, changing learning opportunities, and updates to the standards approved by the State Board;

(e) designed to enable all students to achieve the graduation requirements; and

(f) integrated with technology across all disciplines.

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

Each supervisory union, supervisory district, and school district board shall align existing policies and create new policies as needed to accomplish the following:

(a) promote research, coordination and professional learning that leads to the development of age-appropriate and grade-appropriate programming and resources in ethnic and social equity studies that are integrated into all learning content areas in Subsection 2120.6 (Curriculum Content Areas) and that are responsive to the developmental needs of all students, pre-kindergarten through grade twelve; and

(b) create systems for regularly, systematically, and continuously evaluating performance in attaining the above goals.

2120.8. Graduation Requirements

[Prior to July 1, 2024, this Subsection 2120.8 "Graduation Requirements" appeared at Subsection 2120.7. The subsection then numbered as 2120.8 "Local Graduation Requirements," has been modified and appears now as part of this Subsection 2120.8 "Graduation Requirements."]

A student meets the requirements for graduation when the student demonstrates proficiency in the learning content outlined in Subsection 2120.6 (Curriculum Content Areas) and completes any other requirements specified by the board of the school district attended by the student.

For students eligible for special education services under IDEA or protected by Section 504 of the federal Rehabilitation Act, the student shall meet the same graduation requirements as typical peers in an accommodated or modified manner. These modifications will be documented in each student's personalized learning plan. A student's individualized education program team or 504 team is responsible for assuring that information regarding the student's individual skills, aptitudes, and present levels of performance are incorporated into the student's personalized learning plan. This ensures that the required proficiency levels are linked to local graduation requirements, individually accommodated or modified as required for the student, and are written into the student's personalized learning plan. This process shall ensure that any student identified as a student with a disability will receive a regular high school diploma after meeting their individual graduation requirements as outlined in their personalized learning plan. The development of an individualized education program does not supplant a personalized learning plan, nor does a personalized learning plan replace an individualized education program.

Supervisory unions and supervisory districts must provide appropriate programs and accommodations that ensure English Language Learner (ELL) students have access to grade-level curricula so they can meet promotion and graduation requirements. These programs and accommodations must be documented in each student's personalized learning plan.

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

Schools may or may not use credits for the purposes of demonstrating that a student has met the graduation requirements. When used, credits must specify the proficiencies demonstrated to attain a credit and shall not be

based on time spent in learning. Further, students may receive credit for learning that takes place outside of the school, the school day, or the classroom. Any credits earned must occur under the supervision of an appropriately licensed educator.

2121 School Leadership; Professional Resources

2121.1. School Leadership

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

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

Supervisory union, supervisory district, and school district boards shall establish and make accessible an inclusive process for receiving public feedback, to include students, legal guardians, and staff feedback regarding their experiences in the school system, especially as it relates to racial, ethnic, or social identity group experiences. Boards and school leadership must also establish procedures for handling and responding directly to complaints regarding compliance with school policies, practices, and these Education Quality Standards. These documented complaints and responses shall be included in annual reporting to the Agency as required in Section 2126 (System for Determining Compliance with Education Quality Standards).

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

- (a) supervise licensed principals and career technical education center directors, as applicable, who shall be responsible for the day-to-day leadership of their school or center;
- (b) create a school leadership team consisting of administrators and teachers (and students as appropriate) with compensation either in time or financial reimbursement, or a combination of both, for all teachers;
- (c) create professional learning groups for all teachers that meet during school time at least two hours per month and are facilitated by trained teachers;
- (d) engage in professional development coursework and professional learning opportunities to understand and advance equity across the supervisory union or supervisory district;
- (e) coordinate the principal's or career technical education center director's schedule, as applicable, to enable them to engage in student learning, such as:

1. teaching a course or hosting an advisory with students;
2. mentoring a group of students in developing their personalized learning plans;
3. providing support for students through support services; or
4. promoting other methods of student engagement as approved by the superintendent.

(f) provide teacher support and evaluation aligned with the guidelines approved by the State Board; and

(g) minimize, as much as possible, supervision of non-teaching staff by the principal.

The principal shall be answerable to the superintendent in the performance of their duties.

2121.2. Staff

As required in 16 V.S.A. §1692, all professional staff shall be appropriately licensed and endorsed for their assignment. All classroom staff, including educational support personnel, shall have had adequate academic preparation and training to teach or provide services in the area to which they are assigned. Instructional and administrative staff members must possess the knowledge and skills necessary to implement the standards in alignment with professional educator standards established by the Vermont Standards Board for Professional Educators.

2121.2.1 Staffing Requirements

Schools with ten or more full-time equivalent teachers shall employ a full-time licensed principal. Schools with fewer than ten full-time equivalent (FTE) teachers shall employ a licensed principal on a pro-rata basis.

Each supervisory union or supervisory district shall employ licensed special education staff and shall ensure each school employs sufficient and qualified staff as needed to identify students eligible for special education services and to implement each eligible student's individualized education program and Section 504 plan.

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

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

The Vermont Department of Health recommends implementing the School Nurse Leader School Health Services Delivery Model, which is consistent with the principles of the national Coordinated School Health Model, to ensure appropriate access and coverage.

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

2121.2.2 Class Size

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

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

2121.3. Needs Based Professional Learning

Each supervisory union or supervisory district shall develop and implement a system of appropriate needs-based professional learning for all professional staff, including administrators and other staff involved in student instruction. This shall include ongoing resources and supports to create and strengthen an equitable, anti-racist, anti-discriminatory, and culturally and linguistically responsive, and inclusive school experience for all students and to cultivate the knowledge, skills, and practices required to identify and remediate discrimination because of, or based upon, the reasons set forth in Section 2113 (Federal and State Entitlements Nondiscrimination; Federal and State Requirement; Student Records), and in the Statement of Purpose. Time for professional learning will be embedded into the agreed-upon scheduled times for school employees as defined by collective bargaining agreements where they exist.

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

Educator mentoring shall be a component of the needs-based professional learning system required in this subsection. The superintendent or their designee shall determine the specifics of each mentoring program in their school(s) in accordance with the guidelines approved by the Agency, State Board, Vermont Standards Board for Professional Educators, and state law addressing mentoring for educators.

2121.4. Staff Evaluation

For the purposes of this section, "staff" includes administrators, educators, and other school employees working with students. Staff evaluation programs and policies shall be designed and implemented with the goal of improved student performance, outcomes, and learning experiences. Such programs and policies shall:

- (a) be consistent with the provisions of state and federal law and the Vermont Guidelines of Teacher and Leader Effectiveness adopted by the State Board;
- (b) include multiple sources of evidence to inform and measure teacher performance;
- (c) address the professional learning needs of all staff, including administrators;

- (d) address the needs of teachers who are new to the profession or the assignment or the school; and
- (e) provide supports to improve instructional practice, content knowledge, working relationships (with colleagues, parents and legal guardians and community members), and other areas as appropriate to improve student performance, outcomes, and learning experiences.

2122 School Facilities, Learning Environment, Instructional Materials

2122.1. School Facilities

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

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

Each school's comprehensive plan for responding to discipline and misbehavior, as required by 16 V.S.A. §1161a, shall be clear and consistently enforced and shall include consequences for violations of the policy.

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

2122.2. Access to Instructional Materials

Each school district shall provide anti-racist, culturally responsive, anti-discriminatory, and inclusive instructional materials and, further, shall:

- (a) provide a learning environment with sufficient supplies and infrastructure to allow for learning;
- (b) develop, maintain, and expand as needed a collection of accessible print, multi-media, alternate format (e.g., high-quality audio files, electronic braille, and other forms of E-texts), digital and technology resources that are administered by a certified library media specialist;
- (c) ensure that the curriculum is supported by necessary and accessible digital, multi-media, alternate format (e.g., high-quality audio files, electronic braille, and other E-text tools and resources), and print resources;
- (d) ensure that students, teachers, administrators, and paraprofessionals have access to an organized collection of digital, multi-media, alternate format (e.g., high-quality audio files, electronic braille, and other E-text tools and resources), and print materials sufficient and appropriate to support all students in meeting or exceeding the current state and national standards at no cost to the student;
- (e) provide students access to the library on a regular basis to use materials for reading, research, and for instruction in the skills needed to select and use information effectively;
- (f) provide access to and instruction on how to use a variety of up-to-date information and assistive and other technology to support students in meeting or exceeding the standards learning;

- (g) provide broadband internet service for students and educators to access educational resources;
- (h) adopt and implement written policies on electronic resources, acceptable internet usage, and procedures for handling complaints from both staff and students;
- (i) support a schedule that provides opportunities for a library media specialist to collaborate with teachers as they integrate information research skills into their curriculum;
- (j) ensure that students are afforded the opportunity to learn the skills to locate, evaluate, synthesize, and to present information and ideas within content areas using technology integration; and
- (k) ensure English Language Learners (ELL) receive assistance to which they are entitled by providing language interpreters, services, and technology that allow them to participate equitably in all instructional and co-curricular programs.

2123 State and Local Comprehensive Assessment System

2123.1. Participation in the State Comprehensive Assessment System

Each school district shall administer assessments of student performance using methods developed by the State Board under 16 V.S.A. §164(9). Students who are unable to participate in district or state assessments shall be given an alternate assessment in accordance with law. Each school shall account for 100 percent of its students regarding their participation in the state assessments.

2123.2. Development and Implementation of Local Comprehensive Assessment System

Each supervisory union or supervisory district shall develop, and each school shall implement, a local comprehensive assessment system that:

- (a) assesses student performance in meeting the standards approved by the State Board;
- (b) employs a balance of assessment types, including but not limited to teacher-or student-designed assessments, portfolios, performances, exhibitions, projects, and surveys or other tools to measure the social-emotional health of students;
- (c) includes both formative and summative assessments, including those that establish annual protocols and timelines for assessing the progress and needs of English Language Learners (ELL) beginning at the point of enrollment and continuing at designated intervals during the year as determined by the teachers and parents or legal guardians of English Language Learners (ELL) or as mandated in law or policy;
- (d) enables decisions to be made about student progression and graduation, including measuring proficiency-based learning, the social-emotional well-being of students, the existence and severity of opportunity and achievement gaps or deficiencies, and the state of progress on local, state, and national directives intended to advance social and academic equity initiatives;
- (e) informs the development of personalized learning plans and supports made available to students;

(f) provides data that informs decisions regarding instruction, professional learning, and educational resources and curriculum; and

(g) reflects strategies and goals outlined in the district's Continuous Improvement Plan.

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

2124. Reporting of Results

2124.1. Minimum Reporting Requirements

Each supervisory union or supervisory district shall report student and system performance results, on a school-by-school basis, to the community at least annually in formats selected by the school district board. At minimum, the report shall include indicators provided by the Agency, those identified in 16 V.S.A. §165(a)(2), and other locally determined indicators, including, but not limited to, indicators that describe students':

(a) academic performance using data from the most recent state and local assessments and other information related to student academic performance that describes student progress toward meeting academic standards;

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

(c) enrollment in and completion of flexible pathways, including career technical education, virtual learning, work-based learning, service learning and internships, community research and civic and community engagement, dual enrollment, and early college;

(d) social and emotional well-being;

(e) discipline, including suspensions and detention actions;

(f) incidents of harassment, hazing, and bullying as required in 16 V.S.A. §164(17);

(g) referrals to and participation in programs for students with disabilities, including Section 504 and special education as defined by federal and state law; and

(h) participation in school programs, including enrollment in and successful completion of flexible pathways, career training opportunities, advanced placement courses, and extracurricular activities.

2124.2. Requirements for Disaggregating Student-level Data

Student level indicators shall be disaggregated, at a minimum, by school and according to student subgroups, including students identified:

(a) as economically disadvantaged;

(b) from major racial and ethnic groups, as defined by the US Census Bureau;

(c) as having a disability, inclusive of students with Section 504 plans and students with individualized education programs, separately and in total;

(d) with limited English proficiency, including immigrant children and youth; and

(e) as publicly-funded students who attend an approved independent school, as made available by the Secretary.

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

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

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

2125. Continuous Improvement Plan

Each supervisory union or supervisory district shall develop and implement a Continuous Improvement Plan for each school as described by 16 V.S.A. §165. If the supervisory union or supervisory district comprises more than one school building, a combined plan for some or all of the buildings may be developed provided that the Plan reflects the different needs of individual schools. The Plan shall be designed to improve student learning and maintain a safe, orderly, and civil learning environment that is equitable, anti-racist, culturally responsive, anti-discriminatory, inclusive, and free from harassment, hazing, and bullying. The Plan should serve as the overall strategic plan for the supervisory union or supervisory district and incorporate reporting, planning, and implementation requirements of federal and state law, and any other regulatory requirement, including those that are local.

The Plan shall be developed by involving a culturally and socially diverse group comprised of school board members, students, teachers, administrators, families, and other community members. The Plan shall be reviewed at least annually for effectiveness toward meeting the stated goals and shall be revised as necessary.

The Plan shall include indicators provided by the Agency, including those identified in 16 V.S.A. §165(a) and indicators reported pursuant to Section 2124 (Reporting of Results), as well as any additional indicators determined locally. The Plan shall include student-level indicators aggregated for the supervisory union or supervisory district and disaggregated according to school and student subgroups as identified by Section 2124. In no case shall personally identifiable information of an individual student be revealed or the state's minimum group size for reporting be violated.

The Plan shall also report on and consider findings from the supervisory union or supervisory district's self-evaluation, if applicable, conducted in accordance with Rule Series 100: District Quality Standards, and at a minimum contain:

- (a) goals and objectives for improved student learning;
- (b) educational strategies and activities specifically designed to achieve these goals, including professional learning of administrative and instructional staff;
- (c) strategies and support systems to ensure the school maintains a learning and social environment that is safe, orderly, civil, and positive, and equitable, anti-racist, culturally responsive, anti-discriminatory, inclusive, and free from harassment, hazing and bullying; and
- (d) required technical assistance from the Agency, as appropriate or determined by law.

The supervisory union or supervisory district board shall approve the Plan annually.

2126 System for Determining Compliance with Education Quality Standards

2126.1 Filing of Continuous Improvement Plan

Pursuant to 16 V.S.A. §165(a)(1), each supervisory union or supervisory district is required to annually file a copy of its school or schools' Continuous Improvement Plan for the current school year with the Agency, as well as the following:

- (a) its responses to written public feedback and complaints, pursuant to Subsection 2121.1 (School Leadership),
- (b) a list of the indicators required by the Agency or these rules, and any additional indicators used by the school for reflection and creation of the school's Continuous Improvement Plan,
- (c) a description of the accomplishments, progress, and changes regarding goals and strategies from the previous year's Continuous Improvement Plan, and
- (d) other evidence of meeting Education Quality Standards.

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

Pursuant to 16 V.S.A. §165(b), at least annually, the Secretary shall determine whether students in each Vermont public school and independent school designated as meeting education quality standards are provided educational opportunities that are substantially equal in quality and that are equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive.

The review will be based on the requirements of this rule and consideration may include, but is not limited to:

- (a) information contained in Continuous Improvement Plans submitted by supervisory unions or supervisory districts on behalf of their schools, including data reported to the Agency as required by Section 2124 (Reporting of Results);

(b) other information necessary to meet state and federal accountability standards and requirements; and

(c) written feedback and complaints that are submitted to the supervisory union or supervisory district that relate to whether a school meets the Education Quality Standards pursuant to Subsections 2121.1 1 (School Leadership) and 2126.1 (Filing of Continuous Improvement Plan) and subsequent responses.

If the Secretary determines that a school is not meeting the requirements of this rule or that the school is making insufficient progress in improving student performance pursuant to 16 V.S.A. §164(9), the Agency shall describe in writing any actions the school must take to ensure the school meets Education Quality Standards and must provide technical assistance to the supervisory union, supervisory district, and/or school, as needed. If the school fails to meet the standards set forth in this rule or to make sufficient progress toward improving student performance pursuant to 16 V.S.A. §164(9), the Secretary shall recommend to the State Board one or more of the actions identified by 16 V.S.A. §165(b)(1-5).

16 V.S.A. §165(f) regulates the process for an independent school to be designated as meeting Education Quality Standards, as well as the provision of technical assistance if the State Board finds it is not meeting the standards or is failing to make progress toward meeting the standards.

2127. Variance and Waiver

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

(a) the alternative method is consistent with the intent of the rule;

(b) the variance permits the school board to carry out locally established objectives; and

(c) granting the variance does not contravene any state or federal law, any federal regulation, or any rule of any state agency other than the State Board, unless such rules themselves permit the granting of a waiver or variance.

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

(a) necessary to carry out locally established objectives;

(b) student learning will not be adversely affected;

(c) classroom control will not be compromised; and

(d) it is otherwise in the best interests of student learning.

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

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

2128. Implementation and Support

Implementation and support will be provided by the Agency.

2129. Effective Date

These amendments shall take effect on July 1, 2025.

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

The Vermont Statutes Online have been updated to include the actions of the 2023 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 16 : Education

Chapter 003 : State Board of Education

Subchapter 001 : General Provisions

(Cite as: 16 V.S.A. § 164)

§ 164. State Board; general powers and duties

The State Board shall engage local school board members and the broader education community and, consistent with the provisions of this title, its own rules, and rules adopted by the Secretary, establish and regularly update a long-term strategic vision for the delivery of educational services in Vermont; advise the General Assembly, the Governor, and the Secretary of Education on high-priority educational policies and issues as they arise; and act in accordance with legislative mandates, including the adoption of rules and executing special assignments. In addition to other specified duties, the Board shall:

(1) Establish such advisory commissions as in the judgment of the Board will be of assistance to it in carrying out its duties. Advisory commission members shall serve with or without compensation at the discretion of the Board but shall receive actual expenses incurred in pursuance of their duties.

(2) Have the authority to enter into agreements with school districts, municipalities, states, the United States, foundations, agencies, or individuals for service, educational programs, or research projects.

(3) Examine and determine all appeals that by law are made to it and prescribe rules of practice in respect thereto, not inconsistent with law.

(4) [Repealed.]

(5) [Repealed.]

(6) Make regulations governing the attendance and records of attendance of all students and the department of students attending public schools.

(7) Adopt rules pursuant to 3 V.S.A. chapter 25 to carry out the powers and duties of the Board as directed by the General Assembly, within the limitations of legislative intent.

(8) [Repealed.]

(9) Implement and continually update standards for student performance in appropriate content areas and at appropriate intervals in the continuum from kindergarten to grade 12 and methods of assessment to determine attainment of the standards for student performance. The standards shall be rigorous, challenging, and designed to prepare students to participate in and contribute to the democratic process and to compete in the global marketplace. The standards shall include a standard for reading level proficiency for students completing grade three.

(10) [Repealed.]

(11) If deemed advisable, determine educational standards for admission to and graduation from the public schools.

(12) [Repealed.]

(13) Be the State Board for the program of adult education and literacy and perform all the duties and powers prescribed by law pertaining to adult education and literacy and to act as the State approval agency for educational institutions conducting programs of adult education and literacy.

(14) Adopt rules for approval of independent schools.

(15) Establish criteria governing the establishment of a system for the receipt, deposit, accounting, and disbursement of all funds by supervisory unions and school districts.

(16) In cooperation with the Secretary, ensure that the Agency develops information, plans, and assistance to aid in making technology and telecommunications available and coordinated in all school districts. The State Board shall develop guidelines for distribution of federal, State, or private funds designated for the development or expansion of distance learning technologies. The guidelines shall encourage, consistent with any terms or conditions established by the funding source, collaboration between schools and school districts to realize economic and educational efficiencies.

(17) Report annually on the condition of education statewide and on a 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.

(18) Ensure that Vermont's students, including students enrolled in secondary career technical education, have access to a substantially equal educational opportunity by developing a system to evaluate the equalizing effects of Vermont's education finance system and education quality standards under section 165 of this title.

(19) [Repealed.]

(20) Pursuant to section 806g of this title, constitute the State Council for the Interstate Compact on Educational Opportunity for Military Children and appoint to the Council a Compact Commissioner and Military Family Education Liaison, who may be the same person. The Board may appoint additional members.

(21) Report annually to the Governor and the General Assembly on the progress the Board has made on the development of education policy for the State. (Added 1969, No. 298 (Adj. Sess.), § 15; amended 1971, No. 14, § 5, eff. March 11, 1971; 1975, No. 48, §§ 3, 14, eff. April 15, 1975; 1975, No. 147 (Adj. Sess.), § 3; 1981, No. 151 (Adj. Sess.), § 5; 1983, No. 247 (Adj. Sess.), § 4(1); 1983, No. 248 (Adj. Sess.), § 4; 1987, No. 97, § 4, eff. June 23, 1987; 1987, No. 228 (Adj. Sess.), § 6; 1989, No. 118, § 3; 1991, No. 24, § 11; 1991, No. 204 (Adj. Sess.), § 7; 1997, No. 60, § 3, eff. June 26, 1997; 1997, No. 138 (Adj. Sess.), § 3, eff. April 27, 1998; 1999, No. 113 (Adj. Sess.), § 1a; 1999, No. 120 (Adj. Sess.), § 3; 2001, No. 151 (Adj. Sess.), § 50, eff. July 1, 2003; 2005, No. 214 (Adj. Sess.), § 12; 2007, No. 154 (Adj. Sess.), § 6; 2011, No. 43, § 2, eff. July 1, 2011; 2011, No. 45, § 7a, eff. May 24, 2011; 2011, No. 98 (Adj. Sess.), § 4, eff. April 1, 2013; 2013, No. 56, § 22, eff. May 30, 2013; 2013, No. 92 (Adj. Sess.), §§ 8, 9, 302, eff. Feb. 14, 2014; 2013, No. 142 (Adj. Sess.), § 26; 2015, No. 23, § 18; 2015, No. 131 (Adj. Sess.), § 23; 2019, No. 1, § 2, eff. Mar. 29, 2019; 2019, No. 131 (Adj. Sess.), § 53; 2021, No. 66, § 20, eff. June 7, 2021.)

VERMONT GENERAL ASSEMBLY

The Vermont Statutes Online

The Vermont Statutes Online have been updated to include the actions of the 2023 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

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.)

§ 165. Education quality standards; equal educational opportunities; independent school meeting education quality standards [Effective July 1, 2024]

(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.

(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.; 2021, No. 127 (Adj. Sess.), § 13, eff. July 1, 2024.)



Proposed Rules Postings

A Service of the Office of the Secretary of State

- [Vermont.gov](#)
- [Feedback](#)
- [SOS Website](#)
- [APA Site](#)
- [Code of Vermont Rules](#)
- [Recent](#)
- [Search Rules](#)
- [Calendar](#)
- [Subscribe](#)
- [APA Contact Info](#)

Search Rules

Deadline For Public Comment

Deadline: Oct 15, 2023

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

Rule Details

Rule Number:	23P022
Title:	Education Quality Standards (Rule Series 2000).
Type:	Standard
Status:	Proposed
Agency:	Board of Education
Legal Authority:	16 V.S.A. §§ 164, and 165; Act No. 1 of 2019 § 1. The proposed amendments to Rule Series 2000 -- Education Quality Standards (EQS) are designed to implement 2019 Act No. 1 ("An act relating to ethnic and social equity studies standards for public schools"), consistent with the legislative intent of both the Act and 16 V.S.A section 165 (the statute
Summary:	

mandating EQS). The amended rule series is intended to ensure that students in Vermont public schools (and independent schools seeking designation as an independent school meeting EQS under 16 V.S.A. section 165(f)) are afforded opportunities that are substantially equal in quality and are equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive. The amended rule series enhances the curriculum, provides for a culturally responsive pedagogy, and prohibits discrimination against any student pursuing an education or participating in the life or activities of a school based on a number of protected classifications.

Persons Affected:

The Vermont Agency of Education; Vermont State Board of Education; Vermont Supervisory unions and supervisory districts; Public schools in Vermont; Vermont independent schools seeking designation as an independent school meeting EQS; As to the above institutions: their boards, administrators, teachers, support staff, students, the broader school communities; Vermont School Boards Association; Vermont Superintendents Association; Vermont Principals Association; Vermont-NE

Economic Impact:

The proposed rule series amends current Education Quality Standards to comply with the statutory intent of Act 1. As a result, to the extent a school district or supervisory union/supervisory district might be required to alter its expenditures to align with the amended EQS, these are more likely to be a redirection of financial resources (e.g., replacement of academic materials, alignment of professional development). The State Board of Education anticipates that the economic impact of the proposed rules themselves will be minimal. The greatest cost will likely be the intentional investment of time and resources to support educators in implementing these amended Education Quality Standards.

Posting date:

Aug 02,2023

Hearing Information

Hearing 09-13-2023 6:30 PM [ADD TO YOUR CALENDAR](#)

date:

Location: MS Teams Meeting ID: 295 374 074 997

Address: Passcode: pWvfs6

City: Audio Only call +1 802-828-7667,,784365723# Phone Conference ID: 784 3
 State: VT
 Zip: n/a
 Hearing Notes: go online to: https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting/join2F19253ameeting_NmU2NzMzNTEtYTFhNi00OTU3LWJiZDEtMjk1M80e5-72db6ed391f52522257d&data057C017Clouise.corliss40vermont.gov70

Hearing date: 09-28-2023 11:30 AM **ADD TO YOUR CALENDAR**

Location: MS Teams Meeting ID 248 193 899 80

Address: Passcode: Pzf6dp

City: Audio Only call +1 802-828-7667,,726542768# Phone Conference ID: 726 5
 State: VT
 Zip: n/a

Hearing Notes: go online to: https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting/join2F19253ameeting_OTRiYTBmZTUtN2I4My00MGEzLWE1ZjktNmM180e5-72db6ed391f52522257d&data057C017Clouise.corliss40vermont.gov70

Hearing date: 10-03-2023 6:30 PM **ADD TO YOUR CALENDAR**

Location: MS Teams Meeting ID: 294 323 603 790

Address: Passcode: 7dXyTp

City: Audio Only call +1 802-828-7667,,738952581# Phone Conference ID: 738 9
 State: VT
 Zip: n/a

Hearing Notes: go online to: https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting/join2F19253ameeting_MDU0NjNmYTEtMDI3My00NWJhLWJjMjctZjZkO80e5-72db6ed391f52522257d&data057C017Clouise.corliss40vermont.gov70

Contact Information

Information for Contact # 1

Level: Primary
 Name: Kim Gleason, Member
 Agency: Board of Education
 Address: 1 National Life Drive, Davis 5
 City: Montpelier
 State: VT
 Zip: 05620-2501
 Telephone: 802-324-7145
 Fax:

Email: kimberly.g.gleason@vermont.gov
 Website Address: <https://education.vermont.gov/rules>

[SEND A COMMENT](#)

[VIEW WEBSITE](#)

Information for Contact # 2

Level: Secondary
 Name: Bernie Lambek, Special Counsel
 Agency: Board of Education
 Address: 15 East State Street, Suite 5
 City: Montpelier
 State: VT
 Zip: 05602
 Telephone: 802-223-1000
 Fax: 802-223-5271
 Email: blambek@zclpc.com

[SEND A COMMENT](#)

Keyword Information

Keywords:

- Education quality standards
- EQS
- Rule Series 2000
- Supervisory union
- Supervisory district
- School district
- Education
- Schools
- School board
- Equity
- Ethnic group
- Social group
- Ethnic studies

[Back](#)

[Accessibility Policy](#) | [Privacy Policy](#)

A Vermont Government Website Copyright 2023 State of Vermont



OFFICE OF THE SECRETARY OF STATE
VERMONT STATE ARCHIVES & RECORDS ADMINISTRATION (VSARA)
(802) 828-2863

TO:	Seven Days Katie Hodges (khodges@sevendaysvt.com) Legals	Tel: (802) 865-1020 x110.
	The Caledonian Record Julie Poutré (adv@caledonian-record.com)	Tel: 748-8121 FAX: 748-1613
	Times Argus / Rutland Herald Melody Hudson (classified.ads@rutlandherald.com) Elizabeth Marrier (elizabeth.marrier@rutlandherald.com)	Tel: 802-747-6121 ext 2238 FAX: 802-776-5600
	The Valley News (advertising@vnews.com)	Tel: 603-298-8711 FAX: 603-298-0212
	The Addison Independent (legals@addisonindependent.com)	Tel: 388-4944 FAX: 388-3100 Attn: Display Advertising
	The Bennington Banner / Brattleboro Reformer Lylah Wright (lwright@reformer.com)	Tel: 254-2311 ext. 132 FAX: 447-2028 Attn: Lylah Wright
	The Chronicle (ads@bartonchronicle.com)	Tel: 525-3531 FAX: 525-3200
	Herald of Randolph (ads@ourherald.com)	Tel: 728-3232 FAX: 728-9275 Attn: Brandi Comette
	Newport Daily Express (jlafoe@newportvermontdailyexpress.com)	Tel: 334-6568 FAX: 334-6891 Attn: Jon Lafoe
	News & Citizen (mike@stowereporter.com) Irene Nuzzo (irene@newsandcitizen.com and ads@stowereporter.com removed from distribution list per Lisa Stearns.	Tel: 888-2212 FAX: 888-2173 Attn: Bryan
	St. Albans Messenger Legals (legals@samessenger.com)	Tel: 524-9771 ext. 117 FAX: 527-1948 Attn: Legals
	The Islander (islander@vermontislander.com)	Tel: 802-372-5600 FAX: 802-372-3025
	Vermont Lawyer (hunter.press.vermont@gmail.com)	Attn: Will Hunter

FROM: APA Coordinator, VSARA

Date of Fax: July 31, 2023

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

August 10, 2023

PAGES INCLUDING THIS COVER MEMO:

2

***NOTE* 8-pt font in body. 12-pt font max. for headings - single space body. Please include dashed lines where they appear in ad copy. Otherwise minimize the use of white space. Exceptions require written approval.**

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, Thanks.

PROPOSED STATE RULES

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).

Education Quality Standards (Rule Series 2000).

Vermont Proposed Rule: 23P022

AGENCY: Agency of Education / Vermont Board of Education

CONCISE SUMMARY: The proposed amendments to Rule Series 2000 -- Education Quality Standards (EQS) are designed to implement 2019 Act No. 1 ("An act relating to ethnic and social equity studies standards for public schools"), consistent with the legislative intent of both the Act and 16 V.S.A section 165 (the statute mandating EQS). The amended rule series is intended to ensure that students in Vermont public schools (and independent schools seeking designation as an independent school meeting EQS under 16 V.S.A. section 165(f)) are afforded opportunities that are substantially equal in quality and are equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive. The amended rule series enhances the curriculum, provides for a culturally responsive pedagogy, and prohibits discrimination against any student pursuing an education or participating in the life or activities of a school based on a number of protected classifications.

FOR FURTHER INFORMATION, CONTACT: Kim Gleason, Member, State Board of Education, 1 National Life Drive, Davis 5, Montpelier, VT 05620-2501 Tel: 802-324-7145 Email: kimberly.g.gleason@vermont.gov URL: <https://education.vermont.gov/rules>.

FOR COPIES: Bernie Lambek, Special Counsel, State Board of Education 15 East State Street, Suite 5, Montpelier, VT 05602 Tel: 802-223-1000 Fax: 802-223-5271 Email: blambek@zclpc.com.