

**2010 Report on Act 44. Section 25(b)  
An Act Relating to Making Miscellaneous  
Amendments to Education law: Waivers;  
School Quality Standards**

**Report/Recommendations to the House and Senate Committees on  
Education**

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**Submitted by:**



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## **Report on School Quality Standards Variances Requested and Granted**

As charged in Act 44 of 2009, section 25(b) the following is a report on School Quality Standards variances requested by and granted to supervisory unions.

### **2009-2010 School Year**

Addison Central Supervisory Union requested a waiver of State Board of Education (SBE) Rule 2120.8.9(b)(6) to allow Middlebury Union High School District #3 to eliminate one-half year of family/consumer science, by offering a comprehensive health curriculum that incorporates portions of the family/consumer science curriculum during the 2009-10 school year. The request was approved by the SBE on October 27, 2009. Note: In some circles, family/consumer science is considered an anachronism, and portions of its curriculum overlap that of the health curriculum.

Chittenden Central Supervisory Union requested a waiver of SBE Rule 2120.8.2(b) to allow the Essex Community Educational Center to staff its health office with 3.2 FTE school nurses during the 2009-10 school year, rather than 3.4 FTE school nurses as would be required under the above-referenced SBE rule. This request was approved by the SBE on September 15, 2009. Note: Vermont's school nurse requirements are arguably the most stringent in the country, and anecdotal evidence suggests that economies of scale allow for departure from the SBE rule, without adversely affecting student health interests, in larger schools.

Essex North Supervisory Union requested a waiver of SBE Rule 2120.8.2(d) to allow the Library Media Specialist position at Canaan School to be filled by the next-door Canaan Town Librarian, Deborah Lambert, during the 2009-10 school year. As an additional assurance of the availability of adequate library media services, the nearest school librarian agreed to be available as necessary for telephone consultation. This request was approved by the Commissioner on August 19, 2009. Note: there was no SBE meeting in August 2009. Also, some argue that increasing reliance upon internet-based research methods decrease the need for library media services.

### **2010-2011 School Year**

Chittenden Central Supervisory Union requested a waiver of SBE Rule 2120.8.2(b) to allow the Essex Community Educational Center to staff its health office with 3.2 FTE for the 2010-11 school year. This was a request for renewal of the 2009-10 request, and was approved by the Commissioner, pursuant to general SQS waiver authority granted to the Commissioner by the SBE on November 17, 2009.

### **Impact of the Law**

The ability of the SBE to waive SQS rules is widely understood at the district and supervisory union level. The SBE's waiver authority, the Legislature's invocation in Act 44 of 2009, Sec. 25(a)(4), and the Commissioner's expanded authority from the SBE, have all been broadly publicized. Notwithstanding this fact, the incidence of SQS waiver requests has not materially increased. Furthermore, the common thread of the most recent requests, as is true of most SQS variance requests generally, is a desire to save money by providing services with reduced staff.

Note: in light of personnel and operating budget cuts over the past two years, the capacity of the DOE to monitor and enforce SQS is markedly diminished. The SQS system has therefore taken on more of a self-assessment and best-practices role. In this regard, there appears to be no evidence that the SQS rules themselves, taken in the aggregate, are materially deficient or in need of amendment.