

AOE Testimony: Calendar Waiver and Remote Instruction Amendments

Testimony To: House Committee on Education

Respectfully Submitted by: Daniel M. French, Ed.D., Secretary of Education

Date: January 14, 2022

Yesterday, the Committee requested the Agency to advise whether there is a need to change current law that governs the minimum number of instructional days and the ability of a school district to obtain a waiver based on emergency school closure. The committee received a walk-through of DR 22-0356 and indicated it would consider other proposals for legislation.

The law establishes that public schools must be operated for 175 student attendance days and five teacher in-service education days per year. [16 V.S.A. § 1071](#). When a school is closed for cause beyond the control of the school district, the State Board of Education is given authority to grant waivers from the minimum number of days requirements on a case-by-case basis. In the 2019-2020, 2020-2021 and 2021-2022 school years, the State Board has delegated this waiver authority to the Secretary of Education.

No change to the current statutes is necessary. I have existing authority to evaluate waiver requests from school districts whose calendars will fall short of the statutory requirements for any reason outside the control of the school district, including staff shortages, student absences, snow days, etc. I intend to grant waivers generously for the current school year, given that we have begun to see closures resulting from staff shortages, and we expect to experience impacts of the Omicron variant for at least the next several weeks. The existing process has worked well for the previous two school years in the pandemic context.

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