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Agency of Education

The Honorable Ian Rosenblum
Deputy Assistant Secretary for Policy and Programs, Delegated the authority to perform the functions and duties of the Assistant Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Deputy Assistant Secretary Rosenblum:

I am writing to request a waiver, pursuant to section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), of the following requirements as a result of ongoing challenges related to the novel Coronavirus Disease 2019 (COVID-19):

State: Vermont

Please check all that apply:

- ✓ Accountability and school identification requirements in ESEA sections 1111(c)(4) and 1111(d)(2)(C)-(D):
the requirements that a State measure progress toward long-term goals and measurements of interim progress; meaningfully differentiate, on an annual basis, all public schools, including by adjusting the Academic Achievement indicators based on a participation rate below 95 percent; and identify schools for comprehensive, targeted, and additional targeted support and improvement based on data from the 2020-2021 school year.
- ✓ Report card provisions related to accountability in ESEA section 1111(h) based on data from the 2020-2021 school year.
These include:
- Section 1111(h)(1)(C)(i)(I)-(IV) and (VI) (Accountability system description, other than the list of comprehensive, targeted, and additional targeted support and improvement schools).
 - Section 1111(h)(1)(C)(iii)(I) (Other Academic indicator results for schools that are not high schools).
 - Section 1111(h)(1)(C)(v) (School Quality or Student Success indicator results).
 - Section 1111(h)(1)(C)(vi) (Progress toward meeting long-term goals and measurements of interim progress).
 - Section 1111(h)(2)(C) with respect, at the local educational agency (LEA) and school levels, to all waived requirements in section 1111(h)(1)(C).

Consistent with the requirements of ESEA section 8401(b)(1)(C), describe how the waiving of such requirements will advance student academic achievement.

Vermont is deeply concerned about the impact of COVID-19 on our historically marginalized students. Vermont has used the Targeted and Additional Targeted Designations (called Equity Supports in Vermont) to address the needs of our most vulnerable students. All schools and LEAs eligible for Comprehensive and Equity Supports identified goals to support student achievement where gaps were present. However, because of meeting Vermont's required COVID-19 response (i.e., following health guidelines for social distancing, deploying hybrid and remote learning operations, etc.) schools have not had an opportunity to fully implement their change ideas. Extending supports for an additional year will allow schools to begin to fully implement their continuous improvement goals in support of vulnerable learners. Additionally, as these students have likely been the most affected by COVID-19, additional time will allow schools to better understand how the pandemic has compromised student learning and, accordingly, recalibrate their efforts to match students' evolving needs. During the pandemic, schools have not had the same opportunity to directly address these needs as they would have under more typical circumstances.

Vermont prefers that its schools focus on expanding in-person learning and addressing unfinished learning, rather than accountability concerns this school year. LEAs will still be able to use test results for instructional purposes. Extending identification for an additional year will also allow LEAs to gather more data from interim and formative assessments within their Local Comprehensive Assessment Systems that are more closely aligned, temporally and practically, with teachers' instructional practice in the classroom.

Consistent with the requirements of ESEA section 8401(b)(1)(F), in order to maintain or improve transparency in reporting to parents and the public on student achievement and school performance in school year 2020-2021, including the achievement of subgroups of students, I assure that:

- ✓ The State will make publicly available chronic absenteeism data, either as defined in the State's School Quality or Student Success indicator, if applicable, or ED Facts, disaggregated to the extent such data are available by the subgroups in ESEA section 1111(c)(2), on State and local report cards (or in another publicly available location).

- ✓ The State will make publicly available data on student and/or teacher access to technology devices and high-speed internet, disaggregated by the subgroups in ESEA section 1111(c)(2), to the extent such data are collected at the state or LEA level.

Provide any additional information about maintaining and improving transparency here, including whether the state or LEA collects information on access to technology and high-speed internet and other existing collections of opportunity to learn data (e.g., data used for the State's School Quality or Student Success indicator(s)), school discipline data, access to a well-rounded education (such as advanced courses, music, and the arts), access to support staff (e.g., nurses, social workers, psychologists), and/or access to qualified educators data, which could include teacher and staff turnover data.



As part of Vermont's efforts to maintain and improve transparency, as well as to understand the state of educational technology across the state, LEAs complete a variety of questions pertaining to current download and upload speed, whether schools offer one-to-one computing and/or home borrowing of devices, and each school's technology equipment available to students. This Annual Technology Survey is administered at the LEA and school level, so we are unable to disaggregate by student subgroup. We will continue to report the data for school year 2020-2021, as we have each year (including 2019-2020).

The State also collects information on access to technology and high-speed internet in a general way through the Department of Public Service. These data are displayed publicly through an interactive web-based map available publicly here: [Interactive Broadband Map | Department of Public Service \(vermont.gov\)](#).

The [Strong and Healthy Schools](#) monthly data collection provides aggregate information about the learning model and continuity of operations work currently in place in Vermont's schools. Those data are displayed publicly at this time.

Data related to school discipline, access to flexible pathways for a well-rounded education, student to teacher and student to staffing data, as well as teacher and staff turnover data are all reported publicly by Vermont's [Annual Snapshot](#).

Consistent with the requirements of ESEA section 8401(b)(1)(F), in order to ensure that schools will continue to provide assistance to the same populations served by Title I, Part A (e.g., subgroups in section 1111(c)(2)), I assure that:

- ✓ Any school that is identified for comprehensive, targeted, or additional targeted support and improvement in the 2019-2020 school year (i.e., any school that was in that status as of the 2019-2020 school year), except for comprehensive support and improvement schools identified based on low graduation rates that meet the State's exit criteria, will maintain that identification status in the 2021-2022 school year, implement its support and improvement plan, and receive appropriate supports and interventions.

Continuous Improvement Plans will remain required for all schools eligible for Comprehensive Supports. The Vermont Agency of Education (AOE) Quality Assurance Coordinators have continued their close work with eligible schools throughout the pandemic. All LEAs in the state are required to submit an Education Recovery Plan this spring outlining student need and the LEA's intended response across three areas: (1) mental health and well-being, (2) student engagement, and (3) academic achievement. The recovery plans will be reviewed by AOE's Education Quality Assurance Coordinators, assisted by a team of cross-agency state experts. Any school or LEA eligible for Equity Supports will be required to identify which of their recovery goals supports a need that led to their Equity identification. If none of their recovery goals directly address Equity identification, schools and LEAs will be required to identify additional Equity goals beyond their recovery goals.



The State will identify comprehensive, targeted, and additional targeted support and improvement schools using data from the 2021-2022 school year in the fall of 2022 to ensure school identification resumes as quickly as possible.

- ✓ Consistent with the requirements of ESEA section 8401(b)(3)(A), prior to submitting this waiver, the State provided interested LEAs and the public with notice and a reasonable opportunity to comment and provide input on this waiver request and considered the feedback and input in finalizing this request. The comments and input received, as well as the State's description of how it addressed the comments and input, are enclosed with this request.

Sincerely,

Daniel M. French, Ed. D.
Secretary of Education

