

## AOE Testimony: Proposed Topics for a Miscellaneous Education Bill

**Testimony To:** Senate Committee on Education

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### Background

The Committee asked for recommendations on topics to consider as part of a miscellaneous education bill this session. The Vermont Agency of Education respectfully proposes language the following topics:

- [Uniform School Calendar](#)
- [Home Study](#)
- [Agreements Among SUs to Facilitate Flexible Student Attendance](#)

### Uniform School Calendar

Under current law, school calendars are coordinated within CTE regions. The AOE may grant waivers to allow a supervisory union to follow a regional calendar for one CTE region or another. Annually, before April 1, superintendents and headmasters are responsible for writing a calendar for the following school year. However, in some areas of the state, one or more high schools depart from the regional calendar.

This lack of coherence statewide has had consequences in several areas. Differences in teacher in-service days, vacations, and start dates create childcare gaps for teachers whose children attend one district but are employed in another. It also can be a barrier to school districts collaboratively sharing staff or operating joint programs. It has also complicated implementation of legislatively mandated statewide initiatives, such as Act 66 of 2019, which mandated statewide testing for lead in school drinking water.

In the context of the COVID-19 response, in Fall 2020, the governor set a uniform start date by executive order. This was done in order to reduce complexity and bring coherence to the state's school-based epidemiological response. Under state guidance, the Health Department needed to observe conditions in Vermont schools before moving schools from Step II to Step III of the guidance. Following the winter vacation period, the state's knowledge of epidemiological trends regarding travel and gatherings was limited by the disparate return dates of each region.

Adopting a uniform statewide school calendar set in consultation with the field would reduce complexity, enable better coordination of services students and yield a range of additional positive follow-on effects.

## Recommended Amendment to Current Law:

### § 1071. School year and school day

(a) Minimum number of days. Except as provided in this section, each public school shall be maintained and operated for:

(1) At least 175 student attendance days in each school year. For purposes of this section, a majority of students enrolled in a school must be recorded on the school roll as in attendance on any day counted as a student attendance day.

(2) At least five teacher in-service education days, during which time activities shall be conducted without students present in order to increase the competency of the staff, improve the curriculum of the school, enable teachers to attend State educational meetings, or disseminate student progress information to parents or the community.

(b) Hours of operation. Within the minimum set by ~~the State Board~~ rule, the school board shall fix the number of hours that shall constitute a school day, subject to change upon the order of the State Board.

(c) Unanticipated closings. When a public school is closed for cause beyond the control of the school board, it may petition the ~~State Board Agency~~ for a waiver of the requirements of this section. The petition shall be filed ~~with the State Board~~ within 10 days of each occurrence and not later than June 15 of the school year involved; ~~and the State Board shall act on the petition at its next meeting. If the petition is approved and a waiver granted, the school district shall be deemed to have satisfied the requirements of this section. If the State Board fails to act at that meeting, the petition shall be deemed to have been approved and the waiver granted.~~

(d) [Repealed.]

(e) ~~Regional calendar. Before April 1 of each year, the Secretary shall publish a statewide school calendar superintendents of schools and the headmasters of public schools not managed by school boards in an area shall meet, and by majority vote, establish a uniform calendar within that area for the following school year. The calendar shall include student attendance days, periods of vacation, holidays, and teacher in-service education days and shall comply with subsection (a) of this section. Unless permitted by the Secretary, no area served by a regional career technical center shall be divided into two or more calendar regions. Before publishing the calendar each year, the Secretary shall consult with superintendents, school boards, principals, CTE directors, headmasters, and teachers.~~

(f) Additional days. Nothing in this section prohibits a school from scheduling additional days for ~~student attendance or~~ teacher in-service education. However, those days shall not conflict with any applicable school calendar.

(g) ~~Upon application of one or more school districts, after approval by the voters of each such district, the State Board may grant a waiver of the requirements of subsection (a) of this section if it is satisfied that equivalent educational programming will be maintained or improved. The waiver may be granted for any purpose, including the conservation of energy.~~

## **Home Study**

During the fall of 2020, Vermont had over a 100% increase in home study applications as a result of the COVID-19 emergency. It is not clear at this point if the interest in home study will continue into the next school year, but this experience did expose challenges associated with administering Vermont's home study policy ([16 V.S.A. § 166b](#)). As the Agency of Education allocated additional resources to meet the increased demand for these programs, AOE started to

review the home study policies of other northern New England states. The Agency found Vermont's home study policy is more complex, and includes more process than these other states.

The AOE proposes we simplify Vermont's home study policy to make it more similar to that of other northern New England states. This shift would change the role of the agency from an oversight role to more of a support role. In addition to the outline below, we have full legislative language to share with the committee.

Recommended Amendment to Current Law:

1. Application – there would no longer be an application for home study to be reviewed and approved by the agency. Parents would be required to submit notice of home study on an agency form at least 10 days prior to commencing home study. We would respond with acknowledgment of this notice but not otherwise review it or approve it.
2. Annual notice – on or before September 1 of each year, the parent/guardian shall notify the Secretary to state the intention to continue to provide instruction through a home study program.
3. The notice would require parents/guardians to attest to certain conditions and processes.
  - a. List the essential biographical information of the student.
  - b. For each child not previously enrolled in a Vermont public school or Vermont home study program, provide independent professional evidence on whether the child has a disability. A comprehensive evaluation to establish eligibilities for special education is not required, but may be ordered by a hearing officer after a hearing under this section.
  - c. Attest to provide at least 175 days of instruction in all applicable areas:
    - i. For a child who is younger than 13 years of age, the subject areas listed in 16 V.S.A. § 906; or
    - ii. For a child who is 13 years of age or older, the subject areas listed in 16 V.S.A. § 906(b)(1), (2), (4), and (5).
  - d. Agree to assess the student's academic progress at the end of each school year, and maintain the records of such assessments. Permitted means of assessment:
    - i. Standardized assessment administered by the local school district;
    - ii. A review and acceptance of the student's progress by an individual who holds a current Vermont teacher's certificate; or
    - iii. A review and acceptance of the student's progress based on an educational portfolio to a local area homeschooling support group whose membership for this purpose includes a currently certified Vermont teacher or administrator.
  - e. Include the signatures of all custodial parents or guardians who are legally authorized to make educational decisions for the student.
4. Strike current hearing process.
5. Strike requirement for annual report.

## Agreements Among SUs to Facilitate Flexible Student Attendance

As part of the COVID-19 emergency response, family members who attend and/or work in multiple school districts had to navigate multiple schedules of remote and in-person attendance, which was very difficult for parents. The impact was especially acute on teachers who had a different schedule of in-person and remote learning days in the district where the parent was a teacher, than their children who were attending school based on the family's residence.

The Agency recommends amending 16 V.S.A. § 267 to add the option for two or more SUs to exchange students who wish to attend a school on a non-resident basis. The language should include minimum requirements to be included in such agreements, in order to ensure non-discrimination and compliance with other laws.

### Recommended Amendment to Current Law:

#### § 267. Joint agreements among supervisory unions

(a) Supervisory unions, or administrative units not within a supervisory union, in order to provide services cooperatively, may at any annual or special meeting of the supervisory unions, by a majority vote of the directors present and eligible to vote, enter into a joint agreement to provide joint programs, services, facilities, and professional and other staff that are necessary to carry out the desired programs and services.

(b) The supervisory union may provide any authorized or required services by contract with any person, partnership, corporation, school district within or outside the supervisory union or with other supervisory unions. supervisory union may also provide such services to any independent school in the supervisory union area on such terms as the supervisory union board deems proper. Contracts shall be approved by the board and signed by the chair or the chair's designee. A contract may be for a term not to exceed four years renewable for successive four-year periods.

(c) Two or more supervisory unions may enter into an agreement on behalf of their member school districts to allow a non-resident student to enroll in a school operated by a member school district or classes offered by a member school district. Such agreements shall state the number of students per school year who will be eligible for enrollment in each of the schools operated by the member districts, and shall stipulate a non-discriminatory basis for selecting students if interest exceeds capacity. The agreement must provide that each supervisory union will maintain responsibility for providing special education to students residing within its boundaries, either through payment to the supervisory union where the student attends, or through providing direct services. The agreement may state that no tuition will be charged to member districts, or may specify the amount of tuition to be paid. If the agreement includes tuition payment, the provisions of 16 V.S.A. § 824(b)(2) regarding offering identical terms to any sending district.

(ed) The expense of carrying on these shared programs, services, and facilities shall be allocated according to a plan mutually agreed upon by the participating supervisory unions and the Secretary of Education, including agreement on revision and adequate auditing procedures to allocate costs.

~~(de)~~ Facilities constructed to house such shared programs and services when constructed with funds from the State School Building Aid Bond Account and attached to an existing building become a part of a new construction program. The school district within which the special facilities are located shall own the facilities subject to the mutual agreement on reversion.

(ef) A central treasury may be established among the participating unions. Such central treasury will receive and disburse funds of participating supervisory unions. Funds shall be disbursed only on orders signed by at least one authorized member from each of the participating supervisory unions. The participating supervisory unions may jointly own personal property under their contract.