

## 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#

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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#

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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#

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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.

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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.

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#### 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

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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:

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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