

AGENCY OF EDUCATION

Barre, Vermont

TEAM: Legal

ACTION ITEM: Will the State Board of Education approve a waiver requested by White River Valley Supervisory Union from the minimum number of student attendance days proscribed by 16 V.S.A § 1071?

ACTING SECRETARY'S RECOMMENDED ACTION:

That the State Board of Education vote not to approve White River Valley Supervisory Union's request for a waiver from the minimum student attendance days.

STATUTORY AUTHORITY: 16 V.S.A. § 1071

BACKGROUND INFORMATION:

State statute and Board Rules require each public school to operate for at least 175 days of student attendance. 16 V.S.A § 1071(a)(1); SBE Rule 2311. Within that minimum, superintendents establish a uniform calendar that includes school attendance days, periods of vacation, holidays, holidays and teacher in-service days. Rule 2311.4 provides that school districts shall include no fewer than five contingency days as annual school calendars are developed and adopted. Rule 2311.1 provides that days lost because a school is closed for emergency reasons prior to February 1 of any year shall be rescheduled and made up during that school year when such closing will result in a schedule of less than 175 pupil days of attendance days for the year.

The White River Valley Supervisory Union (WRVSU) schools were closed on March 8 and March 13, 2018, which means that those schools need to make up two days to have 175 school days. Superintendent Cobb wrote that the reason for the closings was "inclement weather days". In support of the waiver request, Superintendent Cobb said that without the waiver students "will have to attend school until June 20 or beyond."

Because the unanticipated closing occurred after January, the rule gives the Board discretion to consider the district's calendar to determine if a substantial number of contingency days were included - particularly if the cause is inclement weather. Rule 2311.3. By building in contingency days, districts would presumably to avoid hardships associated with changing the calendar during the school year. The petition does not specify the how many contingency days were built into WRJSU's calendar but apparently the number of snow days exceeded the contingency days. There isn't sufficient information in the petition about whether the number of snow days this year vastly exceeded the norm for WRVSU and therefore not reasonable foreseeable. Moreover, the timing of the petition did not comply with the statutory requirement that petitions "shall be filed with the State Board within 10 days of each occurrence." 16 V.S.A § 1071(c).

POLICY IMPLICATIONS: Consistency across schools with regard to attendance days.

EDUCATION IMPLICATIONS: Assurance of sufficient and equal days of instruction.

FISCAL IMPLICATIONS: The supervisory union will incur some additional cost to operate its school 2 days more than anticipated. This would also be true of other districts and supervisory unions that experienced snow days that require them to operate later into June than anticipated.

STAFF AVAILABLE: Molly Bachman, General Counsel