Vermont State Board of Education

Education Quality Standards

State Board Rule 2000

Prepared for adoption on December 17, 2013

The purpose of these rules is to ensure that all students in Vermont public schools are afforded educational opportunities that are substantially equal in quality, and enable them to achieve or exceed the standards approved by the State Board of Education.

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2110 Statement of Purpose

The purpose of these rules is to ensure that all students in Vermont public schools are afforded educational opportunities that are substantially equal in quality, and enable them 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.

Nothing herein shall be construed to entitle any student to educational programs or services identical to those received by other students in the same or different school districts. Further, nothing herein shall create a private right of action. These rules are in addition to and, unless otherwise specifically stated, do not supersede other rules contained in the Vermont State Board of Education Manual of Rules and Practices.

2111 Adoption of Performance Standards

Pursuant to 16 V.S.A. §164(9), the State Board of Education will implement and periodically update standards for student learning in appropriate content areas from kindergarten to grade 12. Supervisory union boards shall use the standards as the basis for the development and selection of curriculum, methods of instruction, locally developed assessments, and the content and skills taught and learned in school.

2112 Education Quality Standards

In order to carry out Vermont's policy that all public school children will be afforded educational opportunities which are substantially equal in quality, and in order to ensure continuous improvement in student performance, each public school shall meet the following education quality standards, and annually report to the community in an understandable and comprehensive form as required in 16 V.S.A. §165(a)(2).

2113 Federal and State Entitlements; Nondiscrimination

Each school or supervisory union shall ensure that students are furnished educational and other services in accordance with state and federal entitlements and requirements.

No student in a public school or independent school 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, national origin, marital status, sexual orientation, gender identity or disability, or any other reason set forth in state or federal non-discrimination requirements.

Each supervisory union shall develop, and each school shall implement, a system of maintaining student records that aligns with Agency of Education statewide data collections; which enables accurate and timely reporting in connection with state and federal data collection requirements; and ensures the accuracy, relevancy and confidentiality thereof, and accessibility thereto; and which is in compliance with the federal Family Education Rights and Privacy Act of 1974 (P.L. 95-380 as amended from time to time).

Student records shall be safely retained. For grades 9-12, the transcripts of graduates and dropouts shall be permanently maintained and the academic records may be permanently maintained.

Each school shall adopt and implement policies consistent with the federal Protection of Pupil Rights Act (20 U.S.C. §1232h) regarding surveys, analyses and evaluations.

2114 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.
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.

3. "Appropriately licensed educator" means any teacher or administrator requiring a license under 16 V.S.A. Chapter 51 and in accordance with the Rules Governing the Licensing of Educators and the Preparation of Educational Professionals.
4. "Career and Technical Education" means an educational program that supports attainment of a high school diploma, designed to provide students with technical knowledge, skills and aptitudes that will prepare them for further education and enhance their employment options or lead to an industry-recognized credential.
5. "College and Career Readiness" means the student's ability to enter the workforce or pursue postsecondary education or training without the need 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.
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.
7. "Mentoring" means 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 "mentor" is an educator who has demonstrated high-quality instructional practice and who has been provided training in mentoring.
8. "Needs-based professional learning" means 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.
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.
10. "Proficiency-based learning" and "proficiency-based graduation" 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, get promoted to the next grade level, or receive a diploma.

11. "School" means an organizational structure designed to facilitate student learning. This could include an individual public school building or a combination of public school buildings with one administration, either of which could include learning opportunities both within and outside of the school building and school day. Where the context suggests that a "school" take some action, the action shall be taken by the superintendent or such school officials as are designated by the superintendent, unless otherwise specified herein or elsewhere in law or regulation. "School" includes a technical center.
12. "Secretary" means the Secretary of Education or his or her designee.
13. "Superintendent" means the superintendent of schools or person or persons assigned the duties of a superintendent pursuant to 16 V.S.A. §242.
14. "Supervisory union" means an administrative, planning, and educational service unit created by the State Board of Education, which consists of two or more school districts, including a supervisory district. For the purpose of these rules, supervisory union also means a supervisory district which consists of only one school district, which may be a unified union district.
15. "Technology Integration" means the infusion of technology into the curriculum as a tool to enhance learning in a content area or multidisciplinary setting, enabling students to select technology tools to help them obtain information in a timely manner, analyze and synthesize the information, and present it professionally.
16. "Transcript" means a formal document certifying and documenting a student's or former student's achievement of state standards and at minimum includes the student's name, date of birth, last known address, years of attendance, courses taken, out-of-school learning opportunities if applicable, and diploma or certificate of completion awarded.
17. "Transferable skills" refers to a broad set of knowledge, skills, work habits, and character traits that are believed to be critically important to success in today's world, particularly in collegiate programs and modern careers.

2120 Curriculum and Instruction

2120.1 Instructional Practices

Instructional practices shall promote personalization for each student, and enable each student to successfully engage in the curriculum and meet the graduation requirements. Classroom instruction shall include a range of research-based instructional practices that most effectively improve student learning, as identified by national and Vermont guidance and locally collected and analyzed student data.

2120.2 Flexible Pathways

Schools must provide students the opportunity to experience learning through flexible and multiple pathways, including but not limited to career and technical education, virtual learning, work-based learning, service learning, dual enrollment and early college. Learning must occur under the supervision of an appropriately licensed educator. Learning expectations must be aligned with state expectations and standards.

Students must be allowed to demonstrate proficiency by presenting multiple types of evidence, including but not limited to teacher- or student-designed assessments, portfolios, performances, exhibitions and projects.

2120.3 Career and Technical Education

Schools serving grades 9-12 shall coordinate with their designated career and technical education center to ensure genuine access and support for all eligible students as required in 16 V.S.A. 1541a.

Schools shall ensure that students receive appropriate career counseling and program information regarding the availability of education and apprenticeship program offerings at career and technical centers. Demonstrations of learning such as credits or grades earned in an approved career and technical education course or program are subject to the requirements of 16 V.S.A. §1545.

2120.4 Personalized Learning Plans

As required in 16 V.S.A. 941, schools shall ensure all students in grades seven through 12 shall have a Personalized Learning Plan, which shall be a written document developed by the student, a representative of the school and, if the student is a minor, the student's parent or legal guardian. The Personalized Learning Plan shall describe

the scope and rigor of learning opportunities and support services necessary for the student to achieve college and career readiness prior to graduation, and to attain a high school diploma. This plan must be reviewed at least annually.

This section is effective in accordance with the rolling implementation dates established in Section 14 of Act 77 of 2013, as may be amended.

2120.5 Curriculum Content

Each supervisory union board shall ensure the written and delivered curriculum within their supervisory union is aligned with the standards approved by the State Board of Education. Each school shall enable students to engage annually in rigorous, relevant and comprehensive learning opportunities that allows them to demonstrate proficiency in

a. literacy (including critical thinking, language, reading, speaking and listening, and writing);
b. mathematical content and practices (including numbers, operations, and the concepts of algebra and geometry by the end of grade 10);
c. scientific inquiry and content knowledge (including the concepts of life sciences, physical sciences, earth and space sciences and engineering design);
d. global citizenship (including the concepts of civics, economics, geography, world language, cultural studies and history);
e. physical education and health education as defined in 16 V.S.A. §131;
f. artistic expression (including visual, media and performing arts); and
g. transferable skills (including communication, collaboration, creativity, innovation, inquiry, problem solving and the use of technology).

Each school shall provide students in grades K-8 with at least two physical education classes per week. Each school shall provide students in grades 9-12 with one and one-half years of physical education or the equivalent thereof.

Each school shall offer options for students in grades K-12 participate in at least 30 minutes of physical activity within or outside of the school day. Physical activity may include recess and movement built into the curriculum, but does not replace physical education classes.

Each school shall provide appropriate learning opportunities to all students to support

their attainment of the standards approved by the State Board of Education. As required in 16 V.S.A. §2902, each public school shall provide support for students who require additional assistance in order to succeed or be challenged in the general education environment.

Each school shall provide comprehensive elementary and secondary health and physical education learning experiences, including the effects of tobacco, alcohol and drugs on the human system for all students in accordance with sections 16 V.S.A. § 131 and §906(b)(3).

Each school shall ensure students are able to access academic and experiential learning opportunities that reflect their emerging abilities, interests and aspirations, as outlined in the students' Personalized Learning Plans.

2120.6 Curriculum Coordination

As required by 16 V.S.A. §261a(a)(1), the board of each supervisory union shall ensure that each school implements the supervisory union's written and delivered curriculum, which shall be

a. aligned with the standards approved by the State Board of Education;
b. coordinated across all grades to prepare students for graduation;
c. coordinated across the supervisory union, including sending high schools and technical centers;
d. informed by ongoing review of new research, changing learning opportunities, and updates to the standards approved by the State Board of Education;
e. designed to enable all students to achieve the graduation requirements; and
f. integrated with technology across all disciplines.

Each school with a pre-kindergarten early education program must offer high-quality programs as outlined in State Board Rule 2600.

2120.7 Graduation Requirements

A student meets the requirements for graduation when the student demonstrates evidence of proficiency in the curriculum outlined in 2120.5, and completion of any other requirements specified by the local board of the school attended by the student.

This requirement is effective no later than September 2014 for students entering seventh grade and through their secondary school progression, for the anticipated graduation date of June 2020, and with each subsequent incoming seventh grade class.

For students eligible for special education services under IDEA or protected by Section 504 of the federal Rehabilitation Act, the student shall meet the same graduation requirements as non-disabled peers in an accommodated and/or modified manner. These modifications will be documented in each student's Personalized Learning Plan.

The Individual Education Program (IEP) team or 504 Team is responsible for assuring that information regarding the student's individual skills, aptitudes and present levels of performance are incorporated into the student's Personalized Learning Plan. This shall ensure that the proficiency levels to meet graduation requirements are linked to local graduation requirements, individually accommodated and/or modified for students with disabilities, and written into the student's Personalized Learning Plan.

This process shall ensure that any student identified as a student with a disability will receive a regular high school diploma after meeting his/her individual graduation requirements as outlined in their Personalized Learning Plan. The development of an IEP does not supplant a Personalized Learning Plan, nor does a Personalized Learning Plan replace an IEP.

2120.8 Local Graduation Requirements

Each secondary school board is responsible for setting graduation requirements in accordance with these rules.

Local graduation policy must define proficiency-based graduation requirements based on standards adopted by the State Board of Education. As required in 16 V.S.A. 261a(a)(1), it is the responsibility of the supervisory union board to ensure alignment in expectations for all students within a supervisory union.

Schools may or may not use credits for the purposes of demonstrating that a student has met the graduation requirements. When used, credits must specify the proficiencies demonstrated in order to attain a credit and shall not be based on time spent in learning. Further, students may receive credit for learning that takes place outside of the school, the school day, or the classroom. Any credits earned must occur under the supervision of an appropriately licensed educator.

2121 Professional Resources

2121.1 School Leadership

The roles and responsibilities of the school's leadership, including the school board, superintendent and principal or career and technical center director shall conform to applicable provisions in 16 V.S.A. regarding authority and duties.

All school leaders must have sufficient time to carry out their responsibilities in order to focus on improving student learning. To accomplish that, the superintendent or his or her designee must:

a. supervise a licensed principal who shall be responsible for the day-to-day leadership of the school;
b. create a school leadership team consisting of administrators and teachers (and students as appropriate) with compensation either in time or financial reimbursement or a combination of both for all teachers;
c. create professional learning groups for all teachers that meet during school time at least two hours per month and are facilitated by trained teachers;
d. coordinate the principal's schedule to enable him/her to engage in student learning, such as:
    1. teaching a course or hosting an advisory with students;
    2. mentoring a group of students in developing their Personalized Learning Plans;
    3. providing support for students through support services; or
    4. other methods of student engagement as approved by the superintendent.
e. provide teacher support and evaluation aligned with the guidelines approved by the State Board of Education; and
f. minimize, as much as possible, supervision of non-teaching staff by the principal.

The principal shall be answerable to the superintendent in the performance of his or her duties.

Schools with 10 or more full-time equivalent teachers shall employ a full-time licensed principal. Schools with fewer than 10 FTE teachers shall employ a licensed principal on a pro-rata basis.

2121.2 Staff

As required in 16 V.S.A. §1692, all professional staff shall be licensed and appropriately endorsed for their assignment. All classroom staff, including educational support personnel, shall have had adequate academic preparation and training to teach or provide services in the area to which they are assigned.

Each school shall employ instructional and administrative staff members who possess the knowledge and skills to implement the standards in alignment with professional educator standards established by the Vermont Standards Board for Professional Educators.

Each supervisory union shall employ licensed special education staff, and shall ensure each school employs sufficient and qualified staff as needed to identify students eligible for special education services and to implement each eligible student's Individual Education Program and Section 504 plan.

Classes in grades K-3, when taken together, shall average fewer than 20 students per teacher. In grades 4-12, when taken together, classes shall average fewer than 25 students per teacher. The total class roll of a teacher shall not exceed 100 students, except where the specific nature of the teacher's assignment (such as in certain art, music, or physical education programs) is plainly adaptable to the teaching of greater numbers of students while meeting the educational goals of the program.

School boards must establish optimum class size policies as consistent with statutory guidance from the Agency of Education. Class size must comply with state and federal safety requirements.

The services of a certified library media specialist shall be made available to students and staff. Schools with over 300 students shall have at least one full-time library media specialist and sufficient staff to implement a program that support literacy, information and technology standards. Schools with fewer than 300 students shall employ a library media specialist on a pro-rata basis.

2121.3 Needs-Based Professional Learning

Each supervisory union shall develop and implement a system of appropriate needs-based professional learning for all professional staff, including administrators and other staff involved in student instruction, as required in 16 V.S.A. §261a(a)(5). Time for professional learning should be embedded into the school day.

The school's professional learning system shall be aligned with its staff evaluation and supervision policies, Continuous Improvement Plan, supervisory union and district goals, and shall provide new staff members with appropriate opportunities for professional learning.

Mentoring shall be a component of each supervisory union's needs-based professional learning system. The superintendent or their designee shall determine the specifics of each mentoring program in their school(s) in accordance with the guidelines set by the State Board of Education, Vermont Standards Board for Professional Educators, and state law addressing mentoring for educators.

2121.4 Staff Evaluation

For the purposes of this section, "staff" includes administrators, educators, and other school employees working with students.

Staff evaluation programs and policies shall be designed and implemented with the goal of improved student outcomes. Such programs and policies shall

a. be consistent with the provisions of state and federal law and the Vermont Guidelines of Teacher and Leader Effectiveness adopted by the State Board of Education;
b. include multiple sources of evidence to inform and measure teacher performance;
c. address the professional learning needs of all staff, including administrators;
d. address the needs of teachers who are new to the profession, the assignment or the school;
e. provide supports to improve instructional practice, content knowledge, working relationships (with colleagues, parents and community members), and other

areas as appropriate.

2121.5 Tiered System of Support

In accordance with 16 V.S.A. §2902 and State Board Rule 2194, each school shall ensure that a tiered system of academic and behavioral supports is in place to assist all students in working toward attainment of the standards. This system shall be aligned with the school's Personalized Learning Plan structures, and specific student support services shall be specified within a student's Personalized Learning Plan.

School counseling services shall support the mission and vision of the school and shall be available to all students K-12. The school counseling services shall address students' academic, career, personal and social development. Such services shall be aligned and integrated with the work of other professionals in the school setting, as well as those in other educational and human services.

Staffing shall be filled by licensed school counselors and other student support personnel with sufficient staff to carry out the school counseling services, such as guidance counselors, Student Assistance Program counselors, home-school coordinators, English-as-a-Second-Language coordinators and school-based clinicians. At the elementary level, there shall be no more than 300 students per school counselor and other student support personnel. Schools with fewer than 300 students shall employ a school counselor and other student support personnel on a pro-rata basis. At the secondary level, there shall be no more than 200 students per school counselor and other student support personnel.

Health services, including health appraisal and counseling, communicable disease control, mental health, and emergency and first aid care, shall be made available in a confidential manner to students in each school. These health services shall be delivered in accordance with the school district's written policies and procedures, which shall be developed in collaboration with parents and community health resources.

The Vermont Department of Health recommends that schools and supervisory unions implement the School Nurse Leader School Health Services Delivery Model, which is consistent with the principles of the national Coordinated School Health Model, to ensure appropriate access and coverage across their district or supervisory union.

Each school shall engage the services of a person licensed as a School Nurse or

Associate School Nurse. There shall be no more than 500 students per school nurse. Schools with fewer than 500 students shall employ a nurse on a pro-rata basis.

The school shall comply with requirements of state law relative to vision and hearing screening, immunization, and child abuse reporting, and federal law relating to invasive physical examinations in accordance with the Protection of Pupil Rights Act (20 U.S.C.§1232h).

2121.6 Interagency Teams

Schools shall participate in interagency teams as required by 33 V.S.A. §4303 and any other requirement of law.

2122 Learning Environment

2122.1 School Facilities and the Learning Environment

Each school shall maintain a safe, orderly, civil, flexible and positive learning environment, which is free from hazing, harassment and bullying and based on sound instructional and classroom management practices and clear discipline and attendance policies that are consistently and effectively enforced.

The design and operation of the school facilities shall be in full compliance with all state and federal fire, health, and safety, chemical and architectural standards.

Each school's comprehensive plan for responding to student misbehavior, as required by 16 V.S.A. §1161a(a), shall address student behavior, language, classroom attendance, clothing and treatment of property, as well as consequences for violations of policy and shall be clear and consistently enforced.

Each school shall observe due process requirements as set forth in Rule 4300 *et seq*.

2122.2 Access to Instructional Materials

Each school shall:

a. provide a learning environment with sufficient supplies and infrastructure to allow for learning;
b. develop, maintain, and expand as needed a collection of print, digital and

technology resources, administered by a certified school library media specialist;

c. ensure that the curriculum is supported by necessary digital and print resources;
d. ensure that students, teachers, administrators and paraprofessionals have access to an organized collection of digital and print materials sufficient and appropriate to support all students in meeting or exceeding the current state and national standards at no cost to the student;
e. provide students access to the library on a regular basis to use materials for reading, research, and for instruction in the skills needed to select and use information effectively;
f. provide access to a variety of up-to-date information, assistive, and other technology to support students in meeting or exceeding the standards;
g. provide broadband Internet service for students and educators to access educational resources;
h. adopt and implement written policies on electronic resources, acceptable Internet usage, and procedures for handling complaints for both staff and students;
i. support a schedule that provides opportunities for a library media specialist to collaborate with teachers as they integrate information research skills into their curriculum; and
j. ensure that students are afforded the opportunity to learn the skills to locate, evaluate, synthesize, and to present information and ideas within content areas using technology integration.

2123 State and Local Comprehensive Assessment System

2123.1 Participation in the State Comprehensive Assessment System

Each school shall administer assessments of student performance using methods developed by the State Board of Education under 16 V.S.A. §164 (9). Students who are unable to participate in district or state assessments shall be given an alternate assessment in accordance with law. Each school shall account for 100 percent of its students in regard to their participation in the state assessments.

2123.2 Development and Implementation of Local Comprehensive Assessment System

Each supervisory union shall develop, and each school shall implement, a local comprehensive assessment system that

a. assesses the standards approved by the State Board of Education;
b. employs a balance of assessment types, including but not limited to, teacher- or student-designed assessments, portfolios, performances, exhibitions and projects;
c. includes both formative and summative assessments;
d. enables decisions to be made about student progression and graduation, including measuring proficiency-based learning;
e. informs the development of Personalized Learning Plans and student support;
f. provides data that informs decisions regarding instruction, professional learning, and educational resources and curriculum; and
g. reflects strategies and goals outlined in the district's Continuous Improvement Plan.

The performance criteria of the assessment system shall be clear and be communicated to teachers, administrators, students, parents and other community members. Students and parents shall be informed at least annually regarding progress toward achieving the standards.
This includes providing information in students' native languages or otherwise accessible formats.

Implementation and support by the Agency will be determined by the Secretary.

2124 Reporting of Results

As required in 16 V.S.A. 165(a)(2), each school shall report student and system performance results to the community at least annually in a format selected by the school board. The report shall at minimum include those elements listed in 16 V.S.A. 165a(2)(A-K).

The performance criteria of the school shall be clear and communicated to administrators, educators and other building staff.

Each supervisory union shall establish a secure student data system that enables regular access for teachers and administrators. Teachers shall have access to data on individual students whom they teach and aggregate data on student and system performance results. Administrators shall have access to individual student data and on student and system performance results.

For aggregate school data, in no case shall personally identifiable information on any student be revealed.

2125 Continuous Improvement Plan

A Continuous Improvement Plan, as required in 16 V.S.A. §165, shall be developed and implemented in each public school district. The plan shall be designed to improve the performance of all students enrolled in the district. If a school district comprises more than one school building, a combined plan for some or all the buildings may be developed. The plan, however, may reflect the different needs of individual schools.

The plan should be the overall planning and implementation document for the school, incorporating other planning requirements (either from the state, the federal government, local requirements, or external grant requirements) into a single planning document.

The plan shall be developed with the involvement of school board members, students, teachers, administrators, parents and other community members. The plan shall be reviewed at least annually for effectiveness toward meeting the stated goals, and shall be revised as necessary.

The plan shall include indicators provided by the Vermont Agency of Education as well as additional indicators determined locally. These indicators will identify student performance data obtained from state and local assessments and other information related to student performance which may include, but is not limited to, dropout and retention rates, attendance, course enrollment patterns and graduation rates. Indicators may also include data on school practices and leadership.

Agency support shall be differentiated in accordance with school needs, and shall work to reduce interventions for schools where student performance data indicates growth and success.

The school board shall approve the plan, which at minimum shall contain

a. goals and objectives for improved student learning;
b. educational strategies and activities specifically designed to achieve these goals, including professional learning of administrative and instructional staff;
c. strategies and supports to ensure the school maintains a safe, orderly, civil and positive learning environment which is free from harassment, hazing and

bullying; and

d. required technical assistance from the Vermont Agency of Education as appropriate or determined by law.

2126 System for Determining Compliance with Education Quality Standards

2126.1 Filing of Continuous Improvement Plan

On a two-year cycle published by the Agency, each school is required to file a copy of the school's Continuous Improvement Plan for the current school year. This includes listing of the indicators (both those required by the Vermont Agency of Education and additional indicators as desired for use by the school) used for reflection and creation of the school's Continuous Improvement Plan; a description of the accomplishments, progress and changes regarding goals and strategies from the previous year's Continuous Improvement Plan and other evidence of meeting Education Quality Standards.

2126.2 Review, Secretary's Recommendations, and State Board Action

The Vermont Agency of Education will conduct a review of all Vermont schools using one or more of the following strategies:

1. All Continuous Improvement Plans will be reviewed by Agency staff, with assistance from other Vermont educators in a peer review process, as required or desired. Each school will receive feedback from this review.
2. To meet the state accountability standards (which comply with federal accountability requirements), schools will be expected to develop and revise their Continuous Improvement Plan based on the Secretary's recommendations, accountability status and student outcomes. The Agency may choose to differentiate support and requirements for individual schools based on identified needs.
3. On an annual basis, the Agency will identify schools for an Education Quality Standards Review. All schools, regardless of accountability status, will be eligible for this review. The Secretary of Education will determine the requirements and outcomes of this review, including a peer review system between schools. The review will be based on the requirements of this rule to ensure equity and improved outcomes for students.

2126.3 Further Review; Secretary's Recommendations; State Board Action

As required in 16 V.S.A. 165 (b), every two years the Secretary shall determine whether students in each Vermont public school are provided educational opportunities substantially equal to those provided in other public schools. If the Secretary determines that a school is not meeting the quality standards, he or she shall recommend actions that a district must take and offer technical assistance. If the school fails to meet the standards or make sufficient progress by the end of the next two-year period, recommendations will be made to the State Board of Education as outlined in 16 V.S.A. 165(b).

16 V.S.A. 165(f) regulates the process for an independent school to be designated as meeting Education Quality Standards, as well as the provision of technical assistance in the event that the State Board finds an independent school not meeting the standards or failing to make progress towards meeting the standards.

2127 Variance and Waiver

Upon written request of a school board, and after opportunity for hearing, the State Board of Education may approve an alternative method for meeting the requirements of these rules when

a. the alternative method is consistent with the intent of the rule;
b. the variance permits the school board to carry out locally-established objectives; and
c. the granting of the variance does not contravene any state or federal law, any federal regulation, or any rule of any state agency other than the State Board of Education, unless such rules themselves permit the granting of a waiver or variance.

Upon request of a school board, the Secretary may waive class and caseload size requirements where

a. necessary to carry out locally-established objectives;
b. student learning will not be adversely affected;
c. classroom control will not be compromised; and
d. it is otherwise in the best interests of student learning.

Unless exceptional circumstances are present, the Secretary shall respond to such requests within 10 days.

If any of these rules are in conflict with a provision in an existing collective bargaining agreement, the local board must provide an explanation to the Secretary to that effect, and if appropriate, a plan to address that conflict.

2128 Effective Date

These rules, except as otherwise specified herein, shall become effective on 15 days after adoption is complete, in accordance with 3 V.S.A. §845(d).

Implementation and support by the Agency will be determined by the Secretary.