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MEMORANDUM

TO: Superintendents
FROM: Josh Souliere, Assistant Director of Education Quality Division
SUBJECT: Education Quality Standards (EQS), 2127, Variance and Waiver Request
DATE: September 10, 2021

The Vermont Education Quality Standards (EQS) cites section 2127, Variance and Waiver, which reads as follows:

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.

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.

The procedure for submitting a Waiver Request Form to the Agency of Education and State Board of Education is as follows:

- 1) The superintendent and school board chairperson shall complete, sign and submit the Waiver Request Form to the Vermont Agency of Education and State Board of Education.

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

[Online Waiver Request Form](#)

[Print Version of Waiver Request Form](#)