

learning plan. The development of an IEP does not supplant a personalized learning plan, nor does a personalized learning plan replace an IEP.

Supervisory unions and supervisory districts must provide appropriate programs and accommodations that ensure English Language Learner (ELL) students have access to grade-level curricula so they can meet promotion and graduation requirements. These programs and accommodations must be documented in each student's personalized learning plan.

Graduation policies must define proficiency-based graduation requirements based on standards adopted by the State Board. It is the responsibility of the ~~supervisory~~ supervisory union or supervisory district board to ensure alignment in expectations for all students within its schools.

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 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 School Leadership; Professional Resources

2121.1. ~~School~~ School Leadership

The roles and responsibilities of the ~~supervisory union~~ supervisory union, supervisory district, school district, and school's leadership, including the their boards, superintendent, principal, and career technical education center director, if applicable, shall conform to applicable provisions in 16 V.S.A. regarding authority and duties.

Each supervisory union, supervisory district, and school district board shall ensure the alignment of existing policies and create new policies as needed to ensure compliance with these Education Quality Standards. When undertaking this policy work, boards and school leadership shall engage with the communities they serve and seek input and guidance through a process that includes the diverse voices and experiences of students, parents and legal guardians and other community members who are often underrepresented in this work and in school decision-making.

Supervisory union, supervisory district, and school district boards shall establish and make accessible an inclusive process for receiving public feedback, to include students, legal guardians, and staff feedback regarding their experiences in the school system. especially as it relates to racial, ethnic, or social identity group experiences. Boards and school leadership must also establish procedures for handling and responding directly to complaints regarding compliance with school policies, practices and these Education Quality Standards. These documented complaints and responses shall be included in annual reporting to the Agency as required in Section 2126 of this rule.

All school leaders must have sufficient time to carry out their responsibilities to focus on improving student learning and on fostering an anti-racist, culturally responsive, anti-discriminatory, and inclusive learning environment. To accomplish this, the superintendent or ~~his or her~~ their designee must:

- (a) supervise licensed principals and career technical education center directors who shall be responsible for the day-to-day leadership of their school or center;

(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) engage in professional development coursework and professional learning opportunities to understand and advance equity across the supervisory union or supervisory district;

(e) coordinate the principal's or career technical education center director's schedule, as applicable, to enable ~~him/her~~ them 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. promoting other methods of student engagement as approved by the superintendent.

(f) provide teacher support and evaluation aligned with the guidelines approved by the State Board ; and

(g) 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 their duties.

2121.2. Staff

As required in 16 V.S.A. § 1692, all professional staff shall be appropriately licensed and 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. Instructional and administrative staff members must possess the knowledge and skills necessary to implement the standards in alignment with professional educator standards established by the Vermont Standards Board for Professional Educators.

2121.2.1 Staffing Requirements

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.

Each ~~supervisory union~~ supervisory union or supervisory district 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.

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, multi-lingual learner 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.

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 supports literacy, information, and technology standards. Schools with fewer than 300 students shall employ a library media specialist on a pro-rata basis.

The Vermont Department of Health recommends implementing 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.

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.

2121.2.2 Class Size

Classes in grades K-3, when taken together, shall average fewer than twenty students per teacher. In grades four through twelve, when taken together, classes shall average fewer than twenty-five 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 teaching of greater numbers of students while meeting the educational goals of the program.

School district boards, in coordination with their superintendent, must establish optimum class size policies as consistent with statutory guidance from the Agency. Class size must comply with state and federal safety requirements.

2121.3. Needs Based Professional Learning

Each ~~supervisory~~ union or supervisory district 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. This shall include ongoing resources and supports to create and strengthen an equitable, anti-racist, anti-discriminatory, and culturally and linguistically responsive, and inclusive school experience for all students and to cultivate the knowledge, skills and practices required to identify and remediate discrimination because of, or based upon, the reasons set forth in Section 2113 and in the Statement of Purpose. Time for professional learning ~~should~~ will be embedded into ~~the school day~~ the agreed-upon scheduled times for school employees as defined by collective bargaining agreements where they exist.

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

Educator Mentoring shall be a component of ~~supervisory~~ the needs-based professional learning system required in this subsection. The superintendent or their designee shall determine the specifics of each

mentoring program in their school(s) in accordance with the guidelines approved by the Agency, State Board, 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 performance, outcomes, and learning experiences. 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;
- (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 or the assignment or the school; and (e) provide supports to improve instructional practice, content knowledge, working relationships (with colleagues, parents and legal guardians and community members), and other areas as appropriate to improve student performance, outcomes, and learning experiences.

2122 School Facilities, Learning Environment, Instructional Materials

2122.1. School Facilities

Each school shall maintain a safe, accessible, orderly, civil, flexible, and positive learning environment, which is equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive; free from harassment, hazing, 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 district shall observe due process requirements as set forth in Rule 4300 et seq.

2122.2. Access to Instructional Materials

Each school district shall provide anti-racist, culturally responsive, anti-discriminatory, and inclusive instructional materials and, further, 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 accessible print, multi-media, alternate format (e.g., high-quality audio files, electronic braille, and other forms of E-texts), digital and technology resources that are administered by a certified library media specialist;

(c) ensure that the curriculum is supported by necessary and accessible digital, multi-media, alternate format (e.g., high-quality audio files, electronic braille, and other E-text tools and resources), and print resources;

(d) ensure that students, teachers, administrators and paraprofessionals have access to an organized collection of digital, multi-media, alternate format (e.g., high-quality audio files, electronic braille, and other E-text tools and resources), 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 and instruction on how to use a variety of up-to-date information and assistive and other technology to support students in meeting or exceeding the standards learning;

(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 from 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; and

(k) ensure English Language Learners receive assistance to which they are entitled by providing language interpreters, services, and technology that allow them to participate equitably in all instructional and co-curricular programs.

2123 State and Local Comprehensive Assessment System

2123.1. Participation in the State Comprehensive Assessment System

Each school district shall administer assessments of student performance using methods developed by the State Board 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 regarding their participation in the state assessments.

2123.2. Development and Implementation of Local Comprehensive Assessment System

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

(a) assesses student performance in meeting the standards approved by the State Board;

(b) employs a balance of assessment types, including but not limited to teacher-or student-designed assessments, portfolios, performances, exhibitions, ~~and~~ projects, and surveys or other tools to measure the social-emotional health of students;

(c) includes both formative and summative assessments, including those that establish annual protocols and timelines for assessing the progress and needs of English Language Learners (ELL) beginning at the point of enrollment and continuing at designated intervals during the year as determined by the teachers and parents or legal guardians of ELL students or as mandated in law or policy;

(d) enables decisions to be made about student progression and graduation, including measuring proficiency-based learning, the social-emotional well-being of students, the existence and severity of opportunity and achievement gaps or deficiencies, and the state of progress on local, state and national directives intended to advance social and academic equity initiatives;

(e) informs the development of personalized learning plans and supports made available to students;

(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 communicated to teachers, administrators, students and their parents or legal guardians, and other community members in their home language(s) and in an accessible format. Students and parents shall be informed at least annually regarding progress toward achieving the standards referenced in (a) – (g) above. This communication shall accommodate linguistic diversity and provide information in students' native home language(s) and in or otherwise accessible formats.

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).~~

2124.1. Minimum Reporting Requirements

Each supervisory union or supervisory district shall report student and system performance results, on a school-by-school basis, to the community at least annually in formats selected by the school district board. At minimum, the report shall include indicators provided by the Agency, those identified in 16 V.S.A. § 165(a)(2), and other locally determined indicators, including, but not limited to, indicators that describe students':

(a) Academic performance using data from the most recent state and local assessments and other information related to student academic performance that describes student progress toward meeting academic standards;

(b) Graduation, withdrawal, retention and school attendance rates;

(c) Enrollment in and completion of flexible pathways, including career technical education, virtual learning, work-based learning, service learning and internships, community research and civic and community engagement, dual enrollment, and early college;

(d) Social and emotional well-being;

(e) Discipline, including suspensions and detention actions;

(f) Incidents of hazing, harassment and bullying as required in 16 V.S.A. § 164(17);

(g) Referrals to and participation in programs for students with disabilities, including Section 504 and special education as defined by federal and state law; and

(h) Participation in school programs, including enrollment in and successful completion of flexible pathways, career training opportunities, advanced placement courses, and extracurricular activities.

2124.2. Requirements for Disaggregating Student-level Data

Student level indicators shall be disaggregated at least by school and according to student subgroups, including students identified:

(a) as economically disadvantaged;

(b) from major racial and ethnic groups, as defined by the US Census Bureau;

(c) as having a disability, inclusive of students with Section 504 plans and students with individualized education programs , separately and in total;

(d) with limited English proficiency, including immigrant children and youth; and

(e) as students who are publicly funded to attend an approved independent school, as made available by the Secretary.

Student subgroups should be defined consistent with federal and state statutes and regulations and Agency policy. In no case shall a supervisory union or school district reveal personally identifiable information about an individual student or violate the state's minimum group size for reporting.

The performance criteria for the student and system-level reports described in this subsection ~~of the school~~ shall be clear and be communicated to administrators, educators, and other building staff.

Each ~~supervisory union~~ supervisory union or supervisory district shall establish a secure student data system that enables regular access by teachers and administrators. Teachers shall have access to academic performance data on individual students whom they teach and aggregate data on ~~student and system~~ school and supervisory union or supervisory district performance results. Administrators shall have access to individual student data and on student and system performance results to the extent permitted under state and federal law.

2125. Continuous Improvement Plan

~~A Continuous Improvement Plan, as required in 16 V.S.A. 165, shall be developed and implanted in each public school district. Each supervisory union or supervisory district shall develop and implement a Continuous Improvement Plan for each school as described by 16 V.S.A. § 165. If the supervisory union or supervisory district comprises more than one school building, a combined plan for some or all of the buildings may be developed provided that , the Plan reflects the different needs of individual schools. The Plan shall be designed to improve performance of all students enrolled in the district student learning and maintain a safe, orderly, civil learning environment that is equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive and free from harassment, hazing and bullying. 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 serve as the overall planning and implementation document for the school strategic plan for the supervisory union or supervisory district , incorporating other reporting, planning, and implementation requirements (either from state, the federal government, local requirements, or external grant requirements) articulated by federal and state law and regulation and other local requirements.~~

The Plan shall be developed with the involvement of a culturally and socially diverse group comprised of school board members, students, teachers, administrators, parents, families, 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 Agency, ~~as well as including those identified in 16 V.S.A. § 165(a) and additional indicators determined locally, including but not limited to indicators reported pursuant to Section 2124 of this rule. 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. The Plan shall include student level indicators aggregated for the supervisory union or supervisory district and disaggregated according to school and student subgroups as identified by Section 2124 of this rule. In no case shall personally identifiable information of an individual student be revealed or the State's minimum group size for reporting be violated.~~

~~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~~ The Plan shall also report on and consider findings from the supervisory union or supervisory district's self-evaluation, if applicable, conducted in accordance with Rule Series 100, District Quality Standards, and at a 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 support systems to ensure the school maintains a learning and social environment that is safe, orderly, civil, and positive, learning environment which is and equitable, anti-racist, culturally responsive, anti-discriminatory, inclusive, and free from harassment, hazing and bullying; and
- (d) required technical assistance from the Agency as appropriate or determined by law.

The supervisory union or supervisory district shall approve the Plan annually.

2126 System for Determining Compliance with Education Quality Standards

2126.1 Filing of Continuous Improvement Plan

Pursuant to 16 V.S.A. § 165(a)(1), ~~On a two-year cycle published by the Agency, each school~~ each supervisory union or supervisory district is required to annually file a copy of its school or schools' Continuous Improvement Plan for the current school year with the Agency, as well as the following:

- (a) its responses to written public feedback and complaints, pursuant to Section 2121.1 of this rule,
- (b) a list of ~~of~~ the indicators (both those required by the Agency and additional indicators as desired for use by the school) used for reflection and creation of the school's Continuous Improvement Plan,
- (c) a description of the accomplishments, progress and changes regarding goals and strategies from the previous year's Continuous Improvement Plan, and
- (d) 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.~~

Pursuant to 16 V.S.A. § 165(b), at least annually, the Secretary shall determine whether students in each Vermont public school and independent school designated as meeting education quality standards are provided educational opportunities that are substantially equal in quality and that are equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive.

The review will be based on the requirements of this rule and consideration may include, but is not limited to:

(a) information contained in Continuous Improvement Plans submitted by supervisory unions or supervisory districts on behalf of their schools, including data reported to the Agency as required by Section 2124 of this rule;

(b) Other information necessary to meet state and federal accountability standards and requirements; and

(c) Written feedback and complaints that are submitted to the supervisory union or supervisory district that relate to whether a school meets the Education Quality Standards pursuant to Sections 2121.1 and 2126.1 of this rule and subsequent responses.

If the Secretary determines that a school is not meeting the requirements of this rule or that the school is making insufficient progress in improving student performance pursuant to 16 V.S.A. § 164(9), the Agency shall describe in writing any actions the school must take to ensure the school meets educational quality standards and must provide technical assistance to the supervisory union, supervisory district and/or school, as needed. If the school fails to meet the standards set forth in this rule or to make sufficient progress toward improving student performance pursuant to 16 V.S.A. § 164(9), the Secretary shall recommend to the State Board one or more of the actions identified by 16 V.S.A. § 165(b)(1-5).

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

~~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 SU/SD 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~~ if the State Board finds an independent school is not meeting the standards or is failing to make progress toward meeting the standards.

2127. Variance and Waiver

Upon written request of a school district board and after opportunity for hearing, the State Board 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) granting 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, 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. Implementation and Support

Implementation and support will be provided by the Agency of Education.

2129. Effective Date

These amendments shall take effect on July 1, 2025.