

**AGENCY OF EDUCATION  
Barre, Vermont**

**TEAM:** Legal

**ITEM X-1:** Will the State Board of Education approve the request from Essex Caledonia Supervisory Union (ECSU) to reduce the number of required school days to 174 due to the large number of snow days (5 days) that they experienced this year?

**SECRETARY'S RECOMMENDED ACTION:**

Under statute the State Board has the authority to grant a waiver of the 175 day minimum under 16 V.S.A § 1071(c) if the school was closed for "cause beyond the control of the school board." Certainly weather is beyond the control of the school board.

It is recommended that the State Board consider this waiver in respect to the rationale for the request, the impact it would have on students, the timing of the request, the contingency planning involved to avoid needing such a waiver and the fact that all schools in Vermont had to contend with weather-related issues this past winter and will likely need to do so again.

**STATUTORY AUTHORITY:** 16 V.S.A. § 1071(c) School Year and School Day

**BACKGROUND INFORMATION:**

Michael Clark, ECSU Superintendent, understands the importance of students attending 175 days of school and also understands that the standard for waiving a day of that requirement is high. The ECSU schools are prepared to meet the 175 day minimum if this waiver request is denied. This waiver is the specific request of the Waterford School Board, who is requesting that if the waiver is granted, that it apply to all ECSU schools.

ECSU built a calendar with the first student day of school starting on August 30, 2016 and had a last student day of June 9, 2017. This has been a particularly challenging winter in which our district had to make changes to the daily schedule on 10 different days. Four of those days resulted in a late start, one day was an early release, and five days resulted in closing school for the day.

One of the days that school was closed was March 15 for an "extraordinary" storm that the Weather Channel named "Winter Storm Stella". Governor Scott issued this statement on March

14, 2017: *"Vermont is under a statewide Winter Storm Warning and a Blizzard Warning for the western edge of Vermont, through Wednesday evening," he said, "My Administration is closely monitoring the storm and potential impacts on Vermont's roadways, infrastructure and public safety. The National Weather Service is forecasting snowfall of up to two feet, but accumulations could be considerably more in higher elevations. Accumulating, blowing and drifting snow will make travel difficult and potentially dangerous, so we advise the public to avoid unnecessary travel."* All of ECSU schools dismissed early on March 14 and were closed on March 15.

To make up the five days that the schools were closed for weather-related events, ECSU's new last student day would be June 16, 2017. All three ECSU Boards made the decision to move a professional development day that was scheduled in May and instead have students make up one day in May. As a result our current last student school day is scheduled to be June 15, 2017. If the waiver request is granted we will have 174 student days and our last day will be June 14, 2017.

#### **POLICY IMPLICATIONS:**

Approval of this waiver rests with the SBE who can grant a waiver if school was closed for "cause beyond the control of the school board." The statute reads that, "The petition shall be filed with the State Board within 10 days of each occurrence and not later than June 15..." It should be noted that the most recent weather -related closing was March 15, but this request was not made until April 5, 2017.

Without the approval of this waiver, the school will need to plan an additional day in June to reach the minimum number of days required for the school year. It is not clear that there are exceptional circumstances that preclude holding school on the 175th day and that all other options have been pursued. Careful thought should be given before a decision is made to reduce critical instructional time without real cause.

#### **EDUCATION IMPLICATIONS:**

Time in school matters, and instructional time should not be compromised unless absolutely necessary and under truly extraordinary circumstances. Many children depend on school for safety and nutrition, in addition to learning. It is important that these children have all the access that we can provide.

#### **FISCAL IMPLICATIONS: ???**

#### **STAFF AVAILABLE:**