

AGENCY OF EDUCATION

Barre, Vermont

TEAM: Legal

ITEM X-1: Will the State Board of Education approve the request from Lamoille North Supervisory Union (LNSU) for a waiver pursuant to 16 V.S.A. § 1071(c) to reduce the number of required school days from 175 to 170 due to a planned construction project coupled with 5 snow days this past winter?

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 fiscal impact and the logistical challenges, the contingency planning involved to avoid needing such a waiver and the fact that while all schools in Vermont are not pursuing renovations, all schools in Vermont had to contend with weather-related issues this past winter.

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

BACKGROUND INFORMATION:

The voters in Hyde Park approved a \$9.8 million bond vote for the renovation of Hyde Park Elementary School (HPES). Construction is set to commence on June 12. In order to begin on that date, the last student day must be June 9 so the building could be properly vacated. All required permit applications are in progress and the plans are approved. Hyde Park has had 5 snow days this year and Superintendent Gallagher is requesting a waiver for all 5 of these days so that construction can start as planned.

The Supervisory Union presented the following justification for its request:

Scope of Building Project at HPES: There has been active planning and working towards a bond for an extensive building/renovation project at HPES for the last 5 years. The bond passed "officially" on August 25, 2016, this was the second bond vote (the first vote was in 2014) and when this second bond vote was passed, after a considerable reduction and redesign, there was a petition for a revote. (Long after the school calendar was determined). In order to be efficient and cost effective, it was determined, when architectural plans were designed, that the building

could not be “phased” and all students would need to be out of the building during the project (approximately 9 months).

The architects recommended the building be empty and ready for contractors by June 1st. It was through collaboration with the architects that it was determined that we would stay at the school until the officially planned last day of school June 9th. The building needs to be completely empty of students, equipment and material by Monday, June 12th. Students will return to the building when the project is complete (goal is Mid March 2018), accommodations have been made to house all students through June 2018.

Plan to make up this time - In the past 5 years the average number of snow days was only 2 per year. Our first snow day was December 12th, the second was January 24th, the third was February 13th, and the fourth and 5th were March 14th and 15th. Going into this school year we did not have a bond vote. Once the bond passed, and we had a snow day in December, we thought we could take a day at a state park or do a whole school activity off campus, if we had one or two snow days. By the time the last 3 days occurred it was too late to reschedule a teacher in-service or make other plans. Because the other schools in the Supervisory Union (and many throughout the state) also have to make up 5 days, opportunities for state parks etc. are more difficult to schedule as every school would like to use these facilities at the same time.

Contingency Plans - Originally the contingency plan was to do our final days of school wrap up at a state park if there were one or two snow days. As the building plans and meetings with architects progressed, many different realities came to the forefront that we did not realize such as: parking lot inaccessibility after June 9th, building inaccessible after June 9th, all the other schools in the county using minimal, off campus resources, busing conflict with the last week of High School, parents unwilling to have their students attend on non-scheduled school days, extreme costs for student transportation when not deploying from the school, lack of a lunch room facility or even shelter.

Start date of construction - The project start date was set when the voters were asked voters to approve the bond. Soft start is slated for June 1st with a full mobilization scheduled for June 12th. These dates were chosen due to the short construction season in Vermont and the extended scope of work this project has around site, structural, and mechanical that needs to be done during the non-freezing months. Currently the General Contractor’s schedule is already being pushed back two weeks in order to accommodate a larger scope of asbestos abatement then what was defined in our asbestos management plan. Delaying the start further could increase the total cost of the project as contractors would need to work extended amounts of overtime in order to meet our hard completion deadline. We have waited many, many years to get this project in place. We have a limited amount of funds as voted on by the town. We will not be having the same issue ever again in the lifetime of Hyde Park students, and the cost of the delay would affect the scope of the project. The more spent on overtime, etc. is money that will have to come out of the project.

Other options considered - Because space was needed for 220 students the following things were been explored and considered:

1. Saturday School: we have polled many parents and the general sense is that they would not send their child to school on Saturday in May or June. The cost for this would be \$750.00 a day for buses plus additional costs for staff, teachers, and infrastructure.
2. Our facility is in the middle of the town, and will be a construction site as of June 12th. There are no facilities, within the bus route distance, where we can gather all of our students to safely deploy a “field trip” or “day” trip. We would have to organize over 220 students off campus 50% of whom ride the bus and 50% or are dropped off by their parents.

Day trip opportunities, even if we could find a spot to deploy, are very limited in Lamoille County. In addition the bus company has informed us that due to our connectedness to the high school our students would need to be “dropped” somewhere, the high school students would be dropped at the High School. They could then come back and pick us up (if there were some place very close by) approximately 30-45 minutes after they dropped us off at an original site. They then could only drive us a maximum of 40-45 minutes away from the High School as the High School has exams and are out of school at 12:30 (they would need to return to get the High School students immediately after dropping us at a TBD spot), they would then need to pick us up by 1:45 in order to get our students home. Our students would be on the bus or waiting for the bus up to 2 ½ hours in the day. Cost per day would be \$2500.00 just for the buses. This does not include any costs that would be incurred by providing off campus lunches, snacks, etc. There are also minimal activities that can be accessed within 45minutes of Hyde Park. We can see no academic benefit to this event. If it was a one or two day final picnic, maybe it would have social emotional benefit. It is a safety concern when we have to deploy school from another site.

The Superintendent’s note: As anyone knows in education, one cannot take the time to plan all contingencies for a school year leading into a building project, especially when bonds have been voted down more than once. We are fortunate to have finally passed this bond and the school is also fortunate to be transitioning to being a part of the LNMUUSD. This has been a year where we have made tremendous academic strides and we have done, and will do, due diligence to keep our staff and students focused on academics up until June 9th. It is in the professional opinion of the staff and administration of Hyde Park Elementary School, that if we do not have students under our school supervision from June 12-16th, that they will not lose out on any academic experiences that would in any way inhibit their growth in the 2016-2017 school year.

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...” LNSU’s most recent weather –related closing occurred on March 14 and 15, but this waiver request was not made until April 4, 2017. The request did not address whether adding a Saturday in March or April was explored.

Without the approval of this waiver, the school will need to plan an additional 5 days to reach the minimum number of days required for the school year. Construction will not be a recurring event presumably at Hyde Park Elementary School, but the requested waiver is significant, in that it is for 5 days. Careful thought should be given before a decision is made to reduce critical instructional time for students.

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:

Delaying the start of the construction project will likely have fiscal implications. Some of the other options considered also have significant fiscal implications.

STAFF AVAILABLE: