

AGENCY OF EDUCATION

Barre, Vermont

TEAM: Legal

ACTION ITEM: Will the State Board of Education approve a waiver requested by **Green Mountain Union School District** on behalf of the Chester-Andover Elementary School from the minimum number of student attendance days proscribed by 16 V.S.A § 1071?

SECRETARY'S RECOMMENDED ACTION:

That the State Board of Education vote not to approve Green Mountain Union School District's request for a waiver from the minimum student attendance days.

STATUTORY AUTHORITY: 16 V.S.A. § 1071

BACKGROUND INFORMATION:

State statute and Board Rules require each public school to operate for at least 175 days of student attendance. 16 V.S.A § 1071(a)(1); SBE Rule 2311. Within that minimum, superintendents establish a uniform calendar that includes school attendance days, periods of vacation, holidays, holidays and teacher in-service days. Rule 2311.4 provides that school districts shall include no fewer than five contingency days as annual school calendars are developed and adopted. The Green Mountain Union School District is asking for a waiver of two days for the Chester-Andover Elementary School.

The school experienced a flood in the boiler room prior to school opening. The flood damaged the school's boilers, hot water heater and electrical system. In total, the students missed five days of school due to the flood. The Andover-Chester students have been temporarily housed since in the Green Mountain Union High School since September 6th. Although the total number of days lost as a result of the flood was five days, the request is for waiver of only two of those days.

Rule 2311.1 provides that "days lost because a school is closed for emergency reasons prior to February 1 of any year shall be rescheduled and made up during that school year when such closing will result in a schedule of less than 175 pupil days of attendance days for the year." Accordingly, had the unanticipated closing occurred in February or later, the Board would have discretion to consider the district's calendar to determine if it included a substantial number of contingency days. Rule 2311.3. In this case – where the precipitating event occurred in September - the rule does not contemplate that discretion. Presumably this is because when the event happens early in the year there is more time to make up the lost days. Here, the district had from September to make up the five days.

POLICY IMPLICATIONS: Consistency across schools with regard to attendance days.

EDUCATION IMPLICATIONS: Assurance of sufficient and equal days of instruction.

FISCAL IMPLICATIONS: The district may incur some additional cost to keep the Chester-Andover Elementary School open 2 days more than anticipated.

STAFF AVAILABLE: Clare O'Shaughnessy, Legal Counsel