

Proposed Changes to Rule 1200 Series

Version 2.0 –OO-WJM

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Section	Current Language	Proposed Language	Rationale for Change / Comments
1200			
1210	Organization		
1211	Membership. See: 16 VSA § 161	<Delete> Renumber Sections as appropriate	<ol style="list-style-type: none"> 1. Reference to statute is redundant and unnecessary 2. Additional rulemaking overhead required to keep statutory cite synchronized with potential future changes to statute
1212	Removal of Members. See: 16 VSA § 162.	<Delete>	Ibid
1213	Compensation. See: 16 VSA § 1010.	<Delete>	Ibid
1214	Officers. See: 16 VSA § 161, 211.	<Delete>	Ibid
1215	Powers and Duties. See: 16 VSA § § 144-174, 211, 213, 3011-3019.	<Delete>	Ibid
1220	Meetings		
1221	Schedule. Regular meetings of the State Board are scheduled on the third Monday and/or Tuesday of each month to the extent practical.	<Delete>	Rule does not conform to statute, which directs the Chair of the board to schedule meetings (16 V.S.A. § 163). Since the statute is very specific, there is no need to change this rule; it should simply be deleted. <agree>
1222	Rules of Order. "Robert's Rules of Order" shall govern the conduct of state board meetings.	<Retain>	
1223	Agenda. The agenda of state board meetings shall be prepared by the commissioner or his designee upon consultation with the chairman. Members of the state board may add items by request.	The agenda of State Board meeting shall be prepared and distributed by the Secretary of Education or his or her designee, at the direction and approval of the Chair of the State Board. Members of the State Board may add items to the	<ol style="list-style-type: none"> 1. Make it clear that the Chair sets the agenda – not the Secretary – the AOE provides administrative support to help prepare the agenda 2. Update commissioner to conform to new title (secretary) and make

	The agenda shall be distributed as close to two weeks prior to a regular meeting as practical.	agenda by request to the Chair of the State Board. The agenda shall be made available in advance of each meeting in accordance with statutory requirements.	gender neutral 3. Use existing public meeting law statute to govern timing of agenda availability 4. What if the chair says “no?” What if the agenda is full? How about if two or more members request an item? What about notification to the chair at the previous prior meeting of the board unless emergency or compelling need.
1224	Minutes. Minutes shall be prepared in accordance with law and shall be distributed to individuals or groups on request.	Minutes shall be prepared, posted, and distributed by the secretary or designee in accordance with statutory requirements.	Tighten up language.
1225	Special Meetings. See: 16 VSA § 163.	<Delete>	1. Reference to statute is redundant and unnecessary 2. Additional rulemaking overhead required to keep statutory cite synchronized with potential future changes to statute
1230 - 1236	Rules of Practice		These sections require a larger discussion. Table in 1232 needs checking for currency. Do we need this table if covered elsewhere?
1240	Exceptions to Rules The Board of Education or the Department of Education may take a proceeding partially or entirely out of these rules when the law so permits and in its option the interest of the public so requires	The Board of Education may take a proceeding partially or entirely out of these rules when the law so permits, and in its opinion, the interest of the public so requires.	1. Removed Department of Education (now Agency) – these rules should only apply to State Board of Education. Rule series 1100 should be the home for those rules the apply to the AOE and the Secretary. 2. corrected typo (option to opinion).
1250	Discrimination	<Delete>	Addressed much more comprehensively

	In order to provide equal education and equal employment opportunities, no student and/or public school employee in the State of Vermont shall be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving federal and/or state funds as the result of or based on sex, race, color, creed, national origin, sexual orientation, or solely by reason of handicap/disability		within statute law. See 21 V.S.A. § 495 (employment practices) and 9 V.S.A. § 4502 (public accommodations, including schools)
1251	Reasonable Accommodations When a child with disabilities is not eligible for special education, but is determined to have a disability, accommodations shall be made as needed in such areas as adaptations, including behavior management interventions, and supplemental aids and services. Other regulations contained in Section 2360 et seq. shall not apply to these children. See Rule 2362.2.6.	<Delete>	<ol style="list-style-type: none"> 1. Need to ensure that this is properly addressed within rules, but this does not appear to be the appropriate rule series to address this topic. Agree 2. Addressed in Rule 2362.2.7 (note incorrect reference to 2362.2.6 in current text), but may need additional detail if not addressed more comprehensively elsewhere.
1252	Instruction for Homebound and Hospitalized Students. (1) Pupils are eligible for instruction at home or in the hospital whenever they are unable to attend school for a period of ten consecutive school days or more because of pregnancy or a medical disability. (2) Homebound or hospitalized elementary pupils shall receive instruction for no less than an average of six hours per week unless inconsistent with medical recommendations. Homebound	<Delete>	<ol style="list-style-type: none"> 1. Need to ensure that this is properly addressed within rules, but this does not appear to be the appropriate rule series to address this topic.

	or hospitalized secondary pupils shall receive instruction for no less than average of two hours per subject per week unless inconsistent with medical recommendations. Instructional materials shall be provided by the district of attendance.		
1253	<p>Hearings under Section 504.</p> <p>Conflicts and alleged violations under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794 may be resolved through due process hearings in the same manner as for a special education due process hearing under Rule 2365.1.6. All the procedures for such a due process hearing according to Rule 2365.1.6, including the time limits of 16 VSA §2957, apply to Section 504 hearings. The hearing officer may award declaratory and injunctive relief but not damages, costs or attorney's fees. In addition to, or in lieu of a due process hearing, a person may file a complaint with the Office of Civil Rights in Boston, MA.</p>	<Delete>	<ol style="list-style-type: none"> 1. Need to ensure that this is properly addressed within rules, but this does not appear to be the appropriate rule series to address this topic 2. Suggest addressing this within Rule Series 2360.
1260	<p>Waivers.</p> <p>The State Board of Education will consider waiving its established regulations when necessary for school districts to carry out locally established objectives.</p>	The State Board of Education will consider waiving its established regulations when necessary for school districts to carry out locally established objectives that are otherwise consistent with duties and obligations under the law	Tightened up language. Could also be state, federal, research or other than local.