

**State Board of Education
Independent School Approval Review Committee**

Draft Meeting Minutes

Meeting Place: Virtual Teams Meeting/Video/Teleconference

Call in #: 1-802-828-7667, Conference ID: 371 252 241#

1 National Life Drive

Montpelier, VT 05620-2501

Date: December 19, 2022

Present:

State Board of Education (SBE) Subcommittee Members: Tom Lovett – chair, Patrick Brown, Jenna O’Farrell, Lyle Jepson

Agency of Education (AOE): Patrick Halladay, Deborah Ormsbee, Patricia Pallas Gray, Emily Simmons, Suzanne Sprague

Others: Dr. Kendra Rickerby, Expeditionary School at Black River (ESBR), Head of School; Pat Pullinen, Trustee; Julie Abraham, Board Treasurer; Marissa Selleck, Board Secretary; Gary Blodgett, Board Chairperson; Ann and Gerald Janauer; Suzanne Kennedy; Angela Asermelly; Kelly Bushey

Call to Order/Roll Call/Amendments to the Agenda

Tom Lovett called the meeting to order at 4:31 p.m. There were no amendments to the agenda.

Approve Minutes from September 20, 2022 Meeting

Tom Lovett moved approval of the September 20, 2022, meeting minutes. Patrick seconded the motion, which passed unanimously.

Public to be Heard:

Ann and Gerald Janauer from Andover, VT are grandparents of a student at the Expeditionary School at Black River (ESBR). They did not feel that their voices and requests were responded to at their grandchild’s previous school. When ESBR was asked to address a request for special services, ESBR immediately responded within a month. They are very content with the services provided by ESBR. Tom Lovett asked them to please send written comments to him to be added to the record.

Suzanne Kennedy’s daughters receive instruction specific to their needs. Despite limited resources she believes that school (ESBR) is doing a very good job with her children. Tom Lovett asked her to please send written comments to him to be added to the record.

Angela Asermelly is a retired educator who has a grandson attending ESBR. She believes that his academic, social, and emotional needs are being met. Flexibility and extra time are offered, which keeps him from becoming overwhelmed. He has peers where his social growth can develop through positive

interactions. He feels smart, listened to, and cared for. She feels his needs are being met. Tom Lovett asked her to please send written comments to him to be added to the record.

Kelly Bushey read a prepared statement. She is the Owner and Director of Connected Circles. Her students feel isolated and forgotten by the school approval process. Eight students are being impacted by the timeline of the process. Students are non-longer able to receive services at the Connected Circles campus because of AOE requirements. Ms. Bushey feels that the students are being lost. October 31, 2022 was the site visit. Ten days later there was a draft report. It has now been six weeks with no further action. She feels the “goal post” approval process has changed from 6-8 months to 8-10 months. Tom Lovett asked her to please send written comments to him to be added to the record.

Update from Expeditionary School at Black River

Patrick Halladay reviewed deficiencies that have resulted in a recommendation from the Secretary of Education of denial of general education independent school approval. (See Appendix A.) Pat Pallas-Gray explained the process followed during the March 30, 2022 visit that took place at the school. Issues that were concerning to the visiting team included:

- Vaccination reporting.
- Medication distribution.
- Articulation of the curriculum.
- Not all staff had been fingerprinted and abuse reporting training did not appear to be in place.
- Student progress was not yet tracked by the proposed Empower Learning software.
- Fire drill reporting was not available.
- Collaboration with sending school special educators and ESBR staff was not evident. Some staff stated that they did not want to review the information provided from sending schools, citing their interest in not creating bias concerning their opinion of the students.
- There are one identified staff member and many pro bono staff, which does not appear to be a sustainable model.

Patrick expressed his belief that the visiting team was being as flexible as possible, however concern over health and safety was apparent. Lyle Jepson asked if all required written policies were available. There were several not available.

Jenna O’Farrell asked if the school had time to respond to the requests. Deb Ormsbee pointed out that there has been a great deal of back and forth between the AOE team and the school. The final report was delayed due to the need on the part of ESBR to correct facilities deficiencies, which would result in a clean certificate of occupancy from the Fire Marshal. Once received, the certificate was forwarded.

When asked how the process could now move forward for ESBR if the current request for approval was denied, Patrick Halladay indicated that ESBR would need to provide a new application, which would start the process for setting up a new visit. ESBR can continue to operate because they are a recognized school.

It was pointed out that the visiting team could not find the necessary evidence needed to offer a recommendation for approval. The visiting team applies the same rules on every visit when it comes to looking for evidence of minimum course of study requirements. Specific hours of core instruction could

not be determined. Student centered high interest classes are not considered minimum course of study requirements under the rules. They could not find evidence that the requirements were being met.

Relating to applying proficiency-based programs to literacy based instruction, visiting team staff pointed out that they look at the outline they are offering and benchmarks that can be checked off showing proficiency in specific areas. Proficiency based programs are increasingly being used in schools, so the visiting team is very familiar with reviewing for evidence. Proficiency based programming is not being used only by ESBR. The visiting team could not find the necessary connections needed to indicate that there was evidence available that would lead to a positive recommendation. In addition, the core teachers do not meet to discuss student progress. Each teacher speaks with Dr. Rickerby.

ESBR Comments

Gary Blodgett expressed serious concern over the timeliness of the AOE report. ESBR wanted to work on issues while the Certificate of Occupancy was being worked on but were not provided with the opportunity to do so.

Pat Pullinen spoke about the history of the region's education and consolidation efforts that were underway. They hired a consultant to work with the town and interested community members. Options were discussed. One option was closing Black River High School and moving to a school choice model and opening an independent school. The consultant that they hired, which was Dan French, is now not recommending approval.

Dr. Rickerby outlined the timeline they followed. Mr. Blodgett does not feel the visit fairly represented the school, was not done in a timely way, and required their efforts to pressure the process to move it forward.

Patrick Halladay addressed the timeline. The delay was a result of the lack of a Certificate of Occupancy. The next step would be for ESBR to continue to operate as a recognized school and reapply for another visit.

Mr. Pullinen asked if the report can now be corrected. Information received by the committee today was intended to correct the report. Dr. Rickerby believes that much of what was cited as missing was in fact in place at the time of the visit.

Asked about volunteers, Dr. Rickerby explained that volunteers, specifically parents/caregivers, were needed because of the delay in the report, which was a way to "work off" the tuition of students. As of March 30, 2022, Dr. Rickerby outlined the pro bono instructors who were working in the school. Dr. Rickerby outlined the number of FTE pro bono instructors this represents at the school.

Jenna O'Farrell asked about the instructional time and instructor schedules, including the qualifications of the instructors. Dr. Rickerby responded to that with an outline of who the pro bono instructors were/are.

Motion

Lyle Jepson made a motion to recommend to the full State Board of Education that the Board endorse Secretary French's recommendation to deny initial approval of general education independent school approval to Expeditionary School at Black River (ESBR), Ludlow, VT, to serve students in grades 7-12. ESBR's programming and financial capacity does not currently meet all State Board of Education Rules and educational requirements under 16 V.S.A. Mr. Jepson further recommended that ESBR continue as a recognized school and reapply for approval. Patrick Brown seconded the motion and the motion passed unanimously.

Tom discussed his hope that every effort would be made to expedite the application process as soon as possible.

Committee Work Schedule: Clearing the backlog of applications

As of now, 36 schools have had their approvals expire: 7 from 2020, 11 from 2021 and, 18 in 2022. Eleven school reports have been sent and two have responded. Pat Pallas-Gray will reach out to the schools to get the signed addendums, which are required for the Independent Schools Committee to act. If the committee has the signed addendum in hand, and there is no response in 30 days, the committee will act at the upcoming meeting scheduled for January 4th, 2023. The meeting will be lengthened to accommodate the time needed to review each recommended action. The January meeting will start at 12:30 p.m. and end at 2:30 p.m.

Public to be Heard

Kelly Bushey expressed concern that there has been no discussion about when new applications will be taken up. Schools that have been approved in the past can continue to operate. Her school cannot operate. Tom believes her review is in process and it has not yet been sent to the Secretary of Education for recommended action. Ms. Bushey expressed concern that she has not received any information or feedback.

Jenn Boardman, a Connected Circles parent, expressed her concerns with the process. She feels that the communication between the AOE and Connected Circles student sending schools was not clear. Ms. Boardman feels that there is very little transparency, and she cannot get a timeline for decision making from the AOE. She does not understand why the process takes so long. Ms. Boardman feels students may fall through the cracks. She asked that the process be fixed. Tom Lovett asked her to please send written comments to him to be added to the record.

Adjournment

Jenna O'Farrell moved to adjourn the meeting at 6:07 p.m. Patrick Brown seconded the motion, which passed unanimously.

Minutes prepared by Lyle Jepson



Appendix A

ESBR Secretary of Education Recommended Action:

ITEM:

Will the State Board of Education grant initial approval of general education independent school approval to Expeditionary School at Black River (ESBR), Ludlow, VT, to serve students in grades 7-12?

SECRETARY'S RECOMMENDED ACTION:

That the State Board of Education deny initial approval of general education independent school approval to Expeditionary School at Black River (ESBR), Ludlow, VT, to serve students in grades 7-12? ESBR's programming and financial capacity does not currently meet all State Board of Education Rules and educational requirements under 16 V.S.A.

If the State Board of Education moves forward with initial approval of independent school approval, this approval is conditional on the requirement that the school reports to the Agency of Education within five business days whenever any changes occur in enrollment, programs, policies, facilities, financial capacity, staffing or administration during the approval period.

STATUTORY AUTHORITY: Title 16 V.S.A. § 166 (b) State Board Rules 2200

1. An independent school may operate and provide elementary and secondary education if it is approved by the State Board of Education.
2. The State Board of Education shall approve an independent school if it substantially complies with the Board's rules for independent schools, promulgated as Series 2200 (Independent School Program Approval).
3. ESBR is currently a recognized independent school that is seeking initial approval of general education independent school approval to serve students in grades 7-12.
4. ESBR was unable to provide the AOE review team with evidence that it currently meets all State Board of Education Rules and statutory requirements under 16 V.S.A. § 166 (b).
5. Four sections of the new independent school rules took effect upon adoption on May 10, 2022. Those rules are Rule 2223 (Procedure), Rule 2224 (Reciprocity), Rule 2226 (Application) and Rule 2227 (Approval). Due to the Secretary's recommendation for denial ESBR has not yet been asked to sign the addendum attesting to meeting these new rules. The school should be required to sign the addendum assurance prior to full SBE approval taking effect, if applicable.