

ESBR leadership team's (ESBR) responses to the content of the AOE's draft report are in purple font, following the yellow highlighted statement to which ESBR is responding.

ESBR's comments respectfully reference the documents, as well as emails, submitted in advance of, and following, the March 30, 2022 site visit. Where necessary, included below is evidence of ESBR's follow-up correspondence.

Site Review

Initial Approval – Expeditionary School at Black River (ESBR)

Independent School Review Report

General Education

Site Review Conducted - March 30, 2022

Submitted by Independent School Review Team:
J. Deborah Ormsbee & Pat Pallas-Gray



Site Review Scope of Work and Purpose

The Expeditionary School at Black River (ESBR) requested consideration for initial approval, from the State Board of Education, to become a general education independent school. The approval application and requested supporting documentation was received by the Agency of Education's Independent School team, as established under current Rule Series 2200.

The school indicated, on the initial application, that ESBR's program was designed to serve children with a particular disability or disabilities generally. ESBR did not submit an accompanying special education application.

Response:

See pages 1-3 in 63-page document answering "Follow Up Questions March 2, 2022."

ESBR contends that the expeditionary philosophy is a methodology that will reduce the increasing cost of Special Education support services. This methodology is beneficial for all students, whether they have Special Education needs or not. The form the AOE made available for ESBR's Initial Application for Approval did not make any mention of Rule Series 2200. The forthcoming changes Series 2200 brings to independent schools was presented to ESBR months after their submission of the initial application on July 21, 2021.

On July 26, 2022, in the VT Digger Secretary French wrote a commentary titled: *Rebuild a better foundation for our pre-K-12 education system*. If the Secretary is sincere in his commentary about "not going back to normal", ESBR welcomes the opportunity to work with the AOE and other state entities to ensure equitable and affordable systemic change.

General Education

State Board of Education Rule 2225.2, 2225.5

School Philosophy & Educational Objectives

Members of the Agency's independent school team met with ESBR staff on Wednesday, March 30, 2022. Interviews were conducted at the school's only facility, located on Main Street in Ludlow, VT. This building previously served as Black River High School, which closed at the end of the 2018 school year.

Correction: In 2018, voters in Mt. Holly and Ludlow voted to become a school choice community. Black River Middle and High School officially closed in June 2020.

Evidence:

- 1) https://www.rutlandherald.com/news/ludlow-voters-affirm-brhs-closure/article_41b61cf3-a35d-52ca-a9d2-3343171fd574.html
- 2) <https://www.chestertelegraph.org/2020/05/13/black-river-high-closing-heartbreaking/>

ESBR personnel present for interviews [1] were the head of school, part time STEM instructor, part time math instructor, part time literary interventionist, and a part time one on one life coach who also provides school counseling [2] services one day a week. The math teacher is an unpaid community volunteer. [3]

[1] **Additional Facts:** The personnel present were per the request of the Agency independent school team (AOE staff). Initially, the Head of School (HoS) planned for AOE staff to meet with the World Language and the Performing Arts Teacher, all of whom prepare & submit lesson plans (see comment below).

[2] **Correction:** The individual this refers to has been a licensed educator in Vermont and school counselor for over thirty years. There is no certification for being a “life coach” - use of this inaccurate job title is inappropriate when referring to credentialed professionals.

[3] **Correction:** In adherence to the Internal Revenue Service’s guidelines, this should read as “provides pro-bono services”.

Evidence:

Part 30 Administrative. Chapter 4. Section 11: Pro-Bono Activities accessible at https://www.irs.gov/irm/part30/irm_30-004-011

A copy of this Specialist’s contract was made available to and reviewed by AOE staff. This Specialist’s resume was included in the AOE’s requested follow-up questions. See page 53 of “Follow Up Questions March 2, 2022”.

This Math Teacher has earned a Master of Science in Engineering from the Thayer School of Engineering at Dartmouth College. Her deep knowledge of applied math practices and research processes, coupled with her donation of time, is at par with the examples of the pro-bono services published on the IRS.gov website linked above. ESBR’s leadership team requests the “final report” respect and recognize this citizen’s dedication to her community.

During the exit interview, two governance board members were also present to receive feedback from the Agency’s independent school team as well as obtain technical assistance pertaining to statutory and State Board Rule initial approval requirements.

School Philosophy

ESBR’s initial approval application states that:

“The Expeditionary School at Black River’s (ESBR) philosophy is anchored in the principles mandated by Act 77: Flexible Pathways to Post-Secondary Completion (2014). Guided by personalized learning and proficiency-based grading, ESBR uses an integrated curriculum design to offer 7th -12th grade students the opportunity to learn anytime, anywhere. ESBR’s philosophy is predicated on the belief that when learning is self-paced and self-directed, all students are more likely to be fully engaged and

empowered to develop their skills. A strength-based approach to personalized learning, coupled with a proficiency-based grading system, invites each individual to be at the center of their learning in all aspects of their life.”

Program Objectives

Expeditionary School at Black River’s initial approval application states ESBR’s mission is “to educate students to be intellectually curious, resourceful, and confident in themselves for a life of personal fulfillment and civic engagement. As described in the Profile of a Graduate (page 7 of the Program of Studies), the school’s educational objectives are to develop each student’s college and career readiness skills. “

“Over the course of their 7th-12th grade learning trajectory, ESBR students are expected to demonstrate evidence of these dispositions: learner agency, critical thinking and problem-solving, well-being, global citizenship, communication, and academic proficiency. Ultimately, the school’s goal is to establish a system of flexible pathways, where each student can self-direct and pace where, how, and when they hone each of the dispositions outlined in the Profile of a Graduate.”

ESBR’s mission and stated objectives are included in the school’s manual of operations and provided to parents at the time of student enrollment. The head of school reported that the school is moving toward implementation of Empower Learning’s digital system that includes components for grading, generation of student progress reports, curriculum development and assessment to support student learning choices.

School Enrollment

16 V.S.A. §166(b)(4), State Board of Education Rule 2225.3

The Agency’s independent school team confirmed that ESBR’s enrollment is currently sixteen students in grades, seven through twelve. **The head of ESBR is seeking a maximum enrollment of 40 students.**

Correction: This is an incomplete accounting of what was communicated. For year three, in order to pace the growth of ESBR’s impact, HoS indicated with the current staffing capacity, enrollment for 2022-23 would be a maximum of 40 students.

HoS explained that the goal of establishing a flexible learning environment and a nimble schedule is aligned with the goals of Vermont’s Act 77: Flexible Pathways to Post-Secondary Completion. Flexible Pathways, adhering to this mandate, was viewed as a strategy for increasing enrollment in ESBR’s community-based long-term plan in a region where student enrollment had been on the decline prior to COVID.

Once approved the school will follow a traditional academic calendar, of 179 -181 days.

Correction: As a recognized school, ESBR currently follows the school calendar of Two Rivers Supervisory Union. Per the requirements of VT SBE Series 2300, as an approved

school, ESBR will continue to follow the traditional calendar of a minimum of 175 students' days.

ESBR's current students are enrolled by parents/guardians. Currently ESBR is a recognized independent school and not eligible to receive public tuition.

ESBR's student enrollment filing system was reviewed by independent school team members and found to be incomplete. Only two of the sixteen student files, currently enrolled at ESBR, included immunization records.

Mitigating Action Taken: See Item A in the Appendix (below). AOE staff did not reply to that email. Please advise.

During the exit interview with the head of school, it was reported that ESBR did have an immunization record for each student; however, not properly included in each student's official file. The Agency's independent school team, prior to site review, received special education information from Two Rivers Supervisory Union. The LEA's special education director informed the independent school team that it had developed four service delivery plans for Mt. Holly students. These service delivery plans were not included in each Mt. Holly student's official file.

Correction: They are on file and always have been. Per the HoS's recollection, this did not come up in conversation and/or email correspondence.

TRSU sends a licensed special educator to the Expeditionary School to provide push-in specialized instruction in math, weekly. ESBR is currently revising the school's criteria for admissions. ESBR admissions committee, starting FY23, will require interested students/families to provide a letter of intent, a copy of the youth's transcripts, verification of student behavioral data and copy of school attendance records with the application. The independent school team members provided technical assistance, during the exit interview, regarding implementation of Act 173's admission requirements as well as new independent school rules that will go into effect on July 1, 2023.

Response: "Technical Assistance" was communicated verbally, making it difficult to backtrack and ensure accountability to the content of that "technical assistance". ESBR requests written criteria for how Act 173 will impact its organizational design and operational practices.

Governance

State Board of Education Rule 2225.4

ESBR has received designation as a 501(3)(c) organization. The Governance Board is comprised of seven volunteers that serve three-year terms. A board chair and vice chair work to ensure both school staff and board members "adhere to the 108-page school [operations] manual." Additionally, a member of the board serves as fiscal officer and

another board member serves as a secretary. ESBR's operation manual includes polices for both school and board members to guard against conflicts of interest as well as enumerates specific prohibitions against discrimination throughout the entire school community.

Governance Board members take a regular and active role in the daily running of the school, fund raising, oversight of business management, development of school programming including annual evaluation of head of the school. The head of ESBR reports directly to the Governance Board. Additionally, the head of ESBR is responsible for "...managing faculty and student body."

Minimum Course of Study & Required Assessments

16 V.S.A. §166(b), State Board of Education Rule 2225.5

ESBR's initial approval application states that the academic program is based upon proficiency-based curriculum, personalized student learning plans and provides opportunities for student engagement in project-based learning activities. Students must also complete financial literacy courses and attend classes in fine arts, performing arts, cultural studies, music, outdoor education, and environmental studies.

Instruction is provided using several modalities, virtual 1:1, in-person small group activities, a traditional classroom setting, in-person individualized project-based learning, one-on-one direct instruction, outdoor education, and community-based education programming that utilizes community partners to enrich academic program goals.

The Agency's independent school team struggled to align classroom instruction with the school's stated philosophy and objectives.

Additional Information: Since the AOE's team "struggled" to see alignment between instructional practices, philosophy, and objectives, ESBR's Board and HoS respectfully request that the AOE's Student Pathway's Division Director review all the materials ESBR has submitted for independent school approval. We also request that the AOE team engage leadership familiar with what is the organizational design required for adhering to Vermont's Act 77: Flexible Pathways to Post-Secondary Completion (2014) and Act 67: Equitable Education in Community Schools (2021).

See Item B in the Appendix below. AOE staff told the Head of School "it is not necessary to observe /interview Susan Haefner, Trevor Barlow, Kyle Kennedy or Eric Feldborg." Each of these individuals continues to be involved with coordinating the learning that occurs in a variety of locations and is aligned with ESBR's integrated curriculum design. AOE staff told the HoS to cancel those interviews - as a result ESBR contends that if AOE staff conducted those interviews they would be able to understand the alignment.

As written, the AOE's "final report" dismisses:

- The role Susan Haefner’s work supporting students to write the We are Nature live performance as well as her involvement in coordinating the Westin Playwright’s Project; both are “courses” where students developed the skills of the ELA learning targets, etc.
- By not needing to meet with Trevor Barlow, the AOE Staff chose not to discuss what the students learned from their involvement with Youth Coding League. ESBR contends that considering the future of the workforce the skill of coding is a “core course.”
- AOE staff declined the opportunity to meet with Kyle Kennedy, a parent of two students and a teacher’s assistant, who helps coordinate safety drills and security at the physical space.

Without any dialogue to why the HoS initially scheduled time for AOE Staff to meet with those educators, AOE Staff did not conduct a comprehensive review of those educators involved with delivery instruction.

Core classes are scheduled for 30 - 60 minutes three times [1] a week by either part time instructors or volunteers from the broader community. English Language Arts and history instruction is provided by the head of school, who is currently the only full-time instructional staff member. The school counselor provides some instruction in humanities, part time. It was difficult to discern how much of each week’s academic instruction time is offered on-site vs virtually through Google classroom. [2] When in school, students access Google classroom to post completed work, receive assignments from instructional staff and directions for activities scheduled for the following day.

Additional Information:

[1] Vermont Rule 2225.5 16 VSA 166, 906 as published by the VT-AOE on page 5 of ESBR’s initial application submitted July 21, 2021 makes no mention of “core classes.” Nor does the statute declare where instructional activities must occur. The statute does not mention how many minutes and/or hours per week a student needs to be in “core classes.” ESBR’s Leadership Team contends that the notion of core classes refers to criteria used to evaluate a past paradigm.

In a proficiency-based system of grading, learning targets replace “core classes.” This allows for students to learn anytime, anywhere another key feature of competency-based education. NOTE: proficiency and competency are synonymous terms. And, at ESBR, courses and projects are interchangeable.

Further, Section 2.1 of ESBR’s initial application states that their philosophy and objectives are anchored in Act 77 (2014).

See above request to engage experts in competency-based education systems design. It appears that the AOE staff did not participate in the AOE sponsored *Proficiency-Based Learning Design Workshops for School Leaders*.

[2] Please refer back to pages 5 – 18 of ESBR’s “Follow Up Questions March 2, 2022” which explains the alignment between instructional design and stated philosophy and objectives.

See Item B in the Appendix below. See closing point in above comment about AOE staff’s decision to not meet with all the educators involved with designing and implementing ESBR’s vision and mission.

The Agency’s independent school team observed classes in English, Science Technology Engineering and Math (STEM) and history. Each of the traditional classrooms, when scheduled, include students in grades seven through twelve. At the time of class observations, formal lesson plans were not available, for review.

Request for Clarification: See Item C in the Appendix. ESBR leadership team requests that the AOE provide documentation of VT statute requiring “formal lesson plans”. At ESBR, weekly and sometimes daily email communication of activities and tasks serve as the lesson plans. Evidence of this was given to the AOE team on the day of the site visit.

The Agency’s independent school team were unable to identify ESBR teacher’s instruction methods for addressing appropriate multi-grade, differentiated instruction, as needed, to determine grade-level proficiencies, skill and cognitive development or methods of authentic assessment reflective of student progress.

Rebuttal Response:

1) See page 2 of “Follow Up Questions March 2, 2022” questions. When the Head of School offered to demonstrate how this worked in the learning management system, AOE staff verbally indicated that was not necessary.

2) As stated in every document ESBR has submitted, and during the interview with the HoS, personalized learning is the instructional method being used. By design, the term “personalized learning” intends to streamline all the terms AOE staff reference here. ESBR’s decision to name “personalized learning” as their instructional methodology is in accordance with US Department of Education’s Every Student Succeeds Act (2015, still in effect in 2022), SEC. 4106. LOCAL EDUCATIONAL AGENCY APPLICATIONS. and SEC. 1003A. DIRECT STUDENT SERVICES statute. Accessible here: <https://www.ed.gov/essa?src=ft>

As previously stated, Personalized Learning is also supported by Vermont’s state policy Act 77 and professional development on this systems design has been funded by the AOE for many decades.

It was unclear to the Agency’s independent school team, during STEM class observation, if the class is regularly provided in-person throughout the week. The observed lesson’s directions required students to use specific tools to complete a summary activity; however,

the instructor did not provide all the necessary materials or know how to locate them in the classroom.

Rebuttal response: It should be noted that many teachers use the science room, which is the case in lots of school settings, and so if things are moved around and hard to locate that is a reality of having to share classroom space.

Students were organized in groups of three to promote peer tutoring, and to promote high interest engagement throughout the class. Students were receptive to the activity and engaged. It is unclear to the Agency's independent school team how long the STEM instructor has been employed by ESBR and if STEM opportunities were provided previously. ESBR supports the school's science program by visiting Vermont Institute of Natural Science (VINS) in Queechee, Vermont.

Request for Clarification: ESBR's site visit review occurred in year two of its operation. Both years were during COVID. There are more than one STEM instructors, some of which have joined the team in its second year. ESBR's leadership team requests clarification of why the length of time of employment is relevant to a review of a school that is in its second year of operation?

History and social studies instruction are provided as part of a humanities curriculum.

When meeting with instructional staff individually, the Agency's independent school team asked if written lesson plans were required by the head of school, as well as reviewed as part of regular staff supervision. Each interviewee reported formal lesson plans were neither required nor part of an instructor's informal, conversations with the head of school.

Rebuttal Response: See comment above about the "formality of lesson plans".

The Head of School meets regularly with each of these instructors and has discussed / is aware of all the content being taught in advance of the delivery of instruction. AOE staff did not meet with all educators. If necessary, the HoS can produce evidence of the PPTs and lessons plans prepared for delivering instruction.

With regard to the math instructor, AOE staff spoke with, her courses adhered to a textbook and followed the scope-and-sequence of the chapters. Therefore, the HoS did not expect that individual to also write out lesson plans because the way the textbook is organized has all that laid out. HoS contends that requiring "formal lesson plans" is redundant.

When asked, the head of school, reported that it is not currently an expectation that: instructors align curriculum with ESBR's stated objectives, develop formal lesson plans to include identified learning goals by student grade, include evidence/documentation of proficiency-based student evaluations or attend regular staff supervision.

Correction of Fact:

- 1) See page 10-11 of "Follow Up Questions March 2, 2022" for an explanation of how the use of a learning management system will accomplish this point.

- 2) The STEM Specialist and the School Counselor participated in the design sessions toward this end, led by Empower Learning's customer representative.
- 3) AOE Staff did not request or review ESBR's Title IIA CFP Scope of Work for 2021-22 submitted by TRSU under the federal Equitable Shares ESBR is eligible to receive. ESBR's Leadership Team requests that AOE staff / leadership team corroborate this fact with their colleagues in the CFP division.

At the time of review, neither member of the Agency's independent school team could confirm that ESBR's academic programming met Minimum Course of Study requirements, as mandated, by Rule Series 2200, 2226.5.

Response:

See above request for staff who are versed in competency-based systems design be involved with this review process.

Mt. Holly's director of special education forwarded service delivery plans to ESBR for several (Clarification: four) students. Each of Mt. Holly's student IEPs provided evaluation data on each student's deficits as either "far below", "well below" or "below average" grade-level student achievement, in both math and English. Each of the IEP/504 Plan students were identified as requiring significant support in cognition in both math and English, requiring specific supports in decoding language and needing extra time as well as access to instructional tools for accessing each content area of the curriculum.

Currently, Mt. Holly provides limited, push-in math specialized instruction services, as required by each student individualized education plan (IEPs). Services are delivered by the LEA for forty-five minutes sessions, twice a week. ESBR's volunteer (Correction: this should be pro bono) math instructor indicated that she has not met with and does not collaborate with Mt. Holly's special education service provider for purposes of accommodating curriculum for IEP/504 Plan students. Furthermore, some of the math instruction (Correction: this should read "supplemental instruction/tutoring") is delivered by a 19-year-old college freshman volunteer.

Clarification of fact:

This practice is in sync with the pre-requisites for student teaching at universities and colleges across the country. The HoS will attest that during her sophomore year at the University of Vermont, when she was 19, she volunteered and provided supplemental writing instruction in Burlington School District. ESBR has a partnership with Castleton University, which this student was considering pursuing a dual enrollment course in math education. The individual has since decided to pursue a different career path.

The math instructor stated that the head of school updates and provides student information, when needed. A part time reading specialist at ESBR provides nine hours of

literary skill support per week. Services are provided through small, intensive need, **homogeneously**

Clarification Response: Skills based groupings were determined by commonalities in the areas identified as needing targeted instruction, a component of how to implement a system of competency-based education.

grouped classes comprised of two – three students, or provides one-on-one specialized instruction. Students identified as needing additional support in English were evaluated by the literary specialist using her own assessment tools and based in Orton Gillingham approach. All support services are conducted via Google Classroom remotely. **No in-person literacy support is provided by the school's literary specialist.**

Rebuttal Response: Refers to the particular literacy specialist AOE staff met with, as written this report dismisses the following fact:

- In-person literacy instruction is provided by TRSU's literacy specialist, a requirement of the Special Education service plans referenced above. In-person literacy instruction is also provided by the Head of School, who holds a Master's Degree in English, with a specialization in the pedagogy of teaching writing. The HoS's credentials are in accordance with US DOE's expectations for Highly Qualified Teachers.

The Agency's independent school team asked the literary specialist to describe how she works with LEA staff to support student learning, by grade and per IEP/504 Plan requirements. The specialist reported that she has not met and does not work with LEA staff and has not read student IEPs, 504 Plans or the service delivery plans provided by Mt. Holly school district. Instead, the literary specialist prefers not to be "biased by LEA's student eligibility information" and "assess student's needs using my own assessment methods." **Literary support interventions are not provided on campus and specialized support for each of the three student groups,** or one-on-one interventions are scheduled virtually for one hour each day.

Rebuttal Response: See comment just above.

Professional Staff

State Board of Education Rule 2225.8

ESBR's instructional staff are either paid part time employees or **volunteers**. (**Correction:** this should read as pro-bono independent contractors who deserve recognition for their contribution of time and knowledge.) Currently, three of the part time staff are paid, remaining instructors volunteer their services. The head of school, who also instructs in English and in history, is the only full-time staff member. A part time literary specialist is trained and credentialed in Orton Gillingham and provides 1:1 literacy support for most students virtually or as stated previously, in small group setting, virtually. Of the sixteen

students currently enrolled, eight are new to ESBR this year, and have participated in the literacy specialist's independent evaluation assessments.

Math instruction is provided by a community volunteer, (**Correction:** this should read as pro-bono independent contractors who deserve recognition for their contribution of time and knowledge.) three times a week and consists of pre-algebra, algebra I & II, and practical math. Math support services are provided by a "math intern." A financial literacy course is a required as part of ESBR's curriculum and provided by a volunteer from the local branch of People's United Bank, in Ludlow. To graduate, students are required to "articulate foundational strategies for being a financially literate citizen."

High interest activities are provided by part time paid and pro-bono community members in languages, performing arts, fine arts and arts and crafts.

Correction of facts: Performing arts, fine arts and World Language teachers were paid independent contractors. None of these activities were pro-bono. AOE staff were provided with and reviewed that documentation.

During interviews with instructional staff and the head of school, it was revealed that ESBR staff do not participate in any annual or required professional development. Staff do not currently engage in individualized, content area professional development.

Rebuttal Response: When interviewed by AOE Staff, the Head of School explained that the School Counselor and the STEM Specialist who both participated in the Empower Learning curriculum mapping process each bring 30 years of experience working in school settings where personalized learning and community-based connections were key features of students' learning experience. Both are colleagues with whom she has worked with in the past and recruited to ESBR. She discussed that in its 2nd year of operation the focus was on collaborative planning and implementing the systems necessary for ensuring "instructional rounds" (City, E, et. al, 2009) could become the school's system of professional development. Note: VT-AOE funded the professional development workshops that trained ESBR's Head of School on this point.

This claim made by AOE staff also dismisses the fact that ESBR's Board hired the HoS because of her credentials, the prior professional development she brings to this start-up entity. Both the HoS and the STEM Specialist hold the highest credential possible in the education industry, a Doctorate degree in Education Leadership. Based on that "individualized professional development plan", the HoS contends that "adequate program of continuing professional staff development" (copied from State Board Rule 2226.8.2) is part of the long-term strategic plan, and will be in place.

Additionally, as stated above: AOE Staff did not request or review ESBR's Title IIA CFP Scope of Work for 2021-22 submitted by TRSU under the federal Equitable Shares ESBR is eligible to receive. ESBR's Leadership Team requests that AOE staff / leadership team corroborate this fact with their colleagues in the CFP division.

In the time since March 30 site visit, the Board has

- Invested in a program that will help the HoS develop Diversified Revenue Streams for maintaining the school's operations.
- Staff met to fulfill the Title IIA professional development plan requirements.
- ESBR's leadership team held a retreat on August 8, 2022 to plan and prepare the professional development needs of Board members and the HoS going forward.

The independent school team cited, for the head of school, the State Board Rule **2226.8 .2** requirements for professional development and the need to develop clear expectations for all staff.

ESBR does not currently evaluate staff members. The head of school is currently working with school staff to outline a template for conducting future staff evaluations.

ESBR does not engage in regularly scheduled staff meetings with mandatory attendance by classroom instructors or support specialists. Student progress is not currently reviewed by entire staff through regularly scheduled progress meetings. Currently, student needs are addressed informally, in conversation, between the head of school and each instructor. The head of school confirmed that student progress conversations were not currently documented [1]. Given the current lack of documentation for formal curriculum, lesson plans and evaluation of student progress, it is unclear how EBSR will help students meet graduation requirements.[2]

Correction of Fact [1]: The HoS did not confirm or communicate that student progress conversations were not occurring. Ample evidence exists that these communications did occur.

Continuous Improvement [2]: In year three, we are implementing systems that will formalize those communications.

Staff curriculum vitae records were sent to the Agency of Education with initial approval application. During the exit interview with two Board members and head of school, the Agency's independent school team reminded ESBR on requirements to meet professional development requirements under Rule **2226.8.2** to maintain approval status, specifically to address subsections:

- (1) A general statement of the institution's expectations for professional growth of staff.
- (2) A statement describing the school's in-service training and financial and other support given to staff for professional development.

Staffing Safeguards:

Interviews with all ESBR's instructors and the head of school revealed that some current staff have not completed the fingerprinting or child/adult abuse registry process.

Clarification Response: The three staff members who reside at primary residences that are not in Vermont, produced documentation from their state. VCIC's system would not recognize documentation that was provided elsewhere, and each of these individuals now needs to come to Ludlow, VT in person to complete the process. This is underway.

Two staff members disclosed, during individual interviews, that they had completed fingerprinting requirements, in the past, while employed at different educational entities. The head of school was instructed by the Agency's independent school team, to have the entire staff fingerprinted and to conduct child/adult abuse registry checks.

Mandatory Reporting Procedures:

ESBR does not have a published mandatory reporting policy,

Correction of Information: The mandatory reporting policy was reviewed by the HoS upon being hired and is also published in the student-faculty handbook.

Remediation Action: As a corrective action, all persons working directly with students in an instructional capacity have received and signed off on the mandatory reporting policy, which is included in the Student-Faculty Handbook 2022-2023, copies of confirmation-of-receipt are kept in the staff's files.

or a list of procedures with accompanying expectations in the current staff handbook, that complies with 16 V.S.A. § 251-260. ESBR's staff is not annually trained in mandatory reporting requirements or on how to address issues that arise during the school day, or to whom a staff member must report to ensure the provisions of statutory requirements are met.

Correction of Information: Currently, ESBR has a full-time staff of one, and the Head of School has completed this training, evidence of this is on file at the AOE. In the context of the AOE's claim made here, staff means full-time employees. This statement is not valid since the HoS is fully aware and has been trained prior to ESBR in these matters. The Board contends that they chose to hire a candidate who is a licensed school administrator in the State of the Vermont because it saved their start-up budget costs and would not require allocating resources to that kind of training.

Additionally, ESBR requests evidence that mandatory reporting training is an annual requirement.

Health & Safety:

At the time of the site review, ESBR did not have formal plans in place for fire drills, active shooter or shelter in place polices for ensuring student safety during times of crisis.

Correction of Information: As written this statement dismisses the fact that emergency plans for fire drills are posted at each door of every classroom in use. Students are reminded on a weekly basis what is the route for exiting the building should there be a crisis. The AOE staff's statement also overlooks the fact that both the Head of School and staff member, Kyle Kennedy, have a mobile app on their phones which allows them to see whomever is at the entryway. The entryway is locked at all times and contact must be made with an ESBR staff member before anyone is permitted into the building.

Continuous Improvement: In the months since March 30, 2021, with prior communication to the fire department and the security company who maintains the fire alarms, the actual fire alarm has been pulled on a monthly basis. This fact is on record with the security company.

Staff are not regularly trained in emergency crisis management. During the site review exit interview, the head of school, indicated that only two fire drills were conducted this year, and all emergency service policies are currently under consideration. The Agency's independent school team were unable to collect documentation of published policies to reflect the school's ability to comply with State Board Rule 2226.7.

Rebuttal Response: State Board Rule 2226.7 pertains to "employs a sufficient number of staff for the population served."

All parents & guardians who are choosing to enroll their children in ESBR are fully aware the HoS is the only full-time employee. 11 out of the 18 families who have selected ESBR for 2022-23 have agreed to devote time either as an instructor or for general supervision to ensure the needs of their children can be met. Once funded, the Board and the HoS will hire additional full-time staff. However, from a budget stand point, a ratio of one FTE staff member with 20 students is under the statute's expectations for class sizes. ESBR requests clarification regarding who has the authority to determine what is "sufficient" staff.

When asked how the school currently addresses any emergencies that might arise, the head of school indicated that parents are contacted directly by phone.

Nursing Services, Medications, and Immunization Records:

ESBR does not employ a school nurse and does not administer any student medications.

Additional information: This report neglects to mention that ESBR is situated on the same campus as the Town's Emergency Service Team, which is housed in the community center with a shared driveway. The HoS explained this to the AOE staff and indicated that the proximity to EMS personnel was why the Board chose to occupy the physical building known as 43 Main Street, Ludlow, VT.

The school does not have any formal written policies for medical services. A review of student files revealed that student immunization records are not consistently included with other important information in each student's official file.

Correction of Fact: See Item A in Appendix and comment above.

Discipline, Hazing, Harassment & Bullying Policies:

At the time of review, agency personnel confirmed that ESBR’s discipline practices are an extension of the school’s stated philosophy. No formal policy documents were available to indicate the school’s compliance with 16 V.S.A. § 1161a.

Remediation Action: As a corrective action, all parents / guardians have received and signed off on “the formal policy”, which is included in the Student-Faculty Handbook 2022-2023, copies of confirmation-of-receipt are kept in the student’s files.

Correction of Information: Item D in the Appendix is a copy of the Positive Learning Agreement students and parents / guardians sign at the beginning of each year. The official copies of these signed documents were included in the students file and were reviewed by AOE staff on March 30.

Student “infractions are dealt with one-on-one.” However, the Expeditionary School at Black River does have a formal written policy for hazing, harassment and bullying which complies with statutory requirements under 16 V.S.A. §565.

Facilities:

State Board of Education Rule 2226.6 (3)

ESBR currently utilizes the second and third floor of the former Black River High School building. The classrooms and all school spaces are clean, neat and student work is prominently displayed in each classroom and in common spaces. There is sufficient space to conduct academic, programming for each grade, seven through twelve.

The certificate of occupancy (CO) provided is from March 2019 and lists five observations under the Violations and Notes Section that required two actions:

1. correct an issue with the gas cylinder within 21 days and;
2. a plan for corrective action for the remainder of the identified items submitted to the Division of Fire Safety (DFS).

Remediation Action: Item E in the Appendix provides evidence of the corrective action is in process, and that ESBR continues to work with the building’s landlord on this point.

At the time of this report, the Agency has not received confirmation that the required actions have been met.

Correction of Information: Item F in the Appendix is a timeline of the email correspondence between ESBR and the AOE from June 2021 through August 2022. Multiple times ESBR has corresponded and has not received a reply or a confirmation from AOE staff that the details were received.

AOE staff have been informed that a new Department of Fire Safety Inspection has been scheduled. Any new documentation received after August 1, 2022, will be attached to this report as an addendum.

Financial Capacity:

State Board of Education Rule 2226.9

ESBR is 100% philanthropically funded, but only fifteen students can attend tuition free. If approved by the State Board of Education, the school's governance board and head of school expects to double student enrollment based on revenues they expect to receive through public funding.

ESBR provided a letter of the commitment and ability of the school to sustain its existence and to continue to fund its operation for the academic year 2021-2022 and beyond. This letter was signed/notarized by all the governance board members. Accompanying this document was an operating budget and net fund statement.

In 2020 ESBR's governance board adopted a plan to open for the academic year, 2020 – 2021 as a recognized school. The inaugural pilot year targeted an enrollment of 15 students with an operating budget of \$140,000.00. A sustained fundraising effort generated necessary funds for the school to operate for the entire school year. ESBR's board began fundraising and applying for grants for the 2021-2022 academic year in March of 2021. As of June 30, 2021, ESBR had cash on hand substantially equal to the 2021- 2022 operating budget.

Funding for the remaining budget will be raised through continued business/community donations and by employing the same fundraising model as this school year, an annual silent auction and wine tasting event which, in 2020, raised \$13,000.00.

The Expeditionary School at Black River has not undergone a fiscal audit. When the Agency's independent school team inquired about ESBR's request for a line of credit with People's National Bank, the head of school stated it was denied.

Independent School Team Summary

The Independent School team cannot recommend initial approval at this time for the Expeditionary School at Black River due to identified deficiencies in the school's program. Program deficiencies have been confirmed in the following areas: Minimum Course of Study 2225.5, Title 16 §906, 2228.1, Mandatory Reporting Procedures 16 V.S.A. § 251-260, School Discipline Policy 16 V.S.A. § 1161a, Health and Safety requirements 2225.7, Professional Staff requirements 2225.8.2. The independent school team also questions whether ESBR has the financial capacity to remain viable.

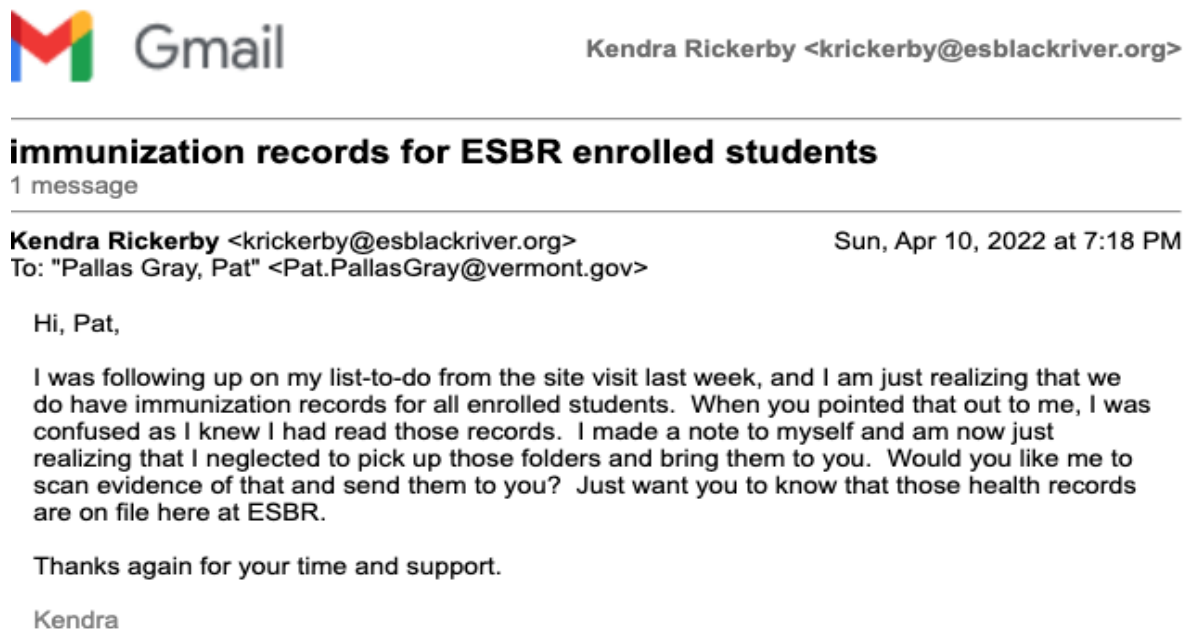
Rebuttal Response: The communities of Mt. Holly and Ludlow, Vermont voted for school choice in 2018. 13 out of the 18 students planning to attend ESBR in 2022-23 are families who reside in these school choice towns.

Item G in the Appendix offers a copy of VT-AOE's announced tuition for FY23 for Green Mountain Unified SD is \$16,000. $\$16,000 \times 13 = \$208,000$. For Mill River USD #52 the tuition rate is higher at \$17,625. With a minimum increase of \$208,000 in funding for 2022-23, the financial viability becomes a non-issue.

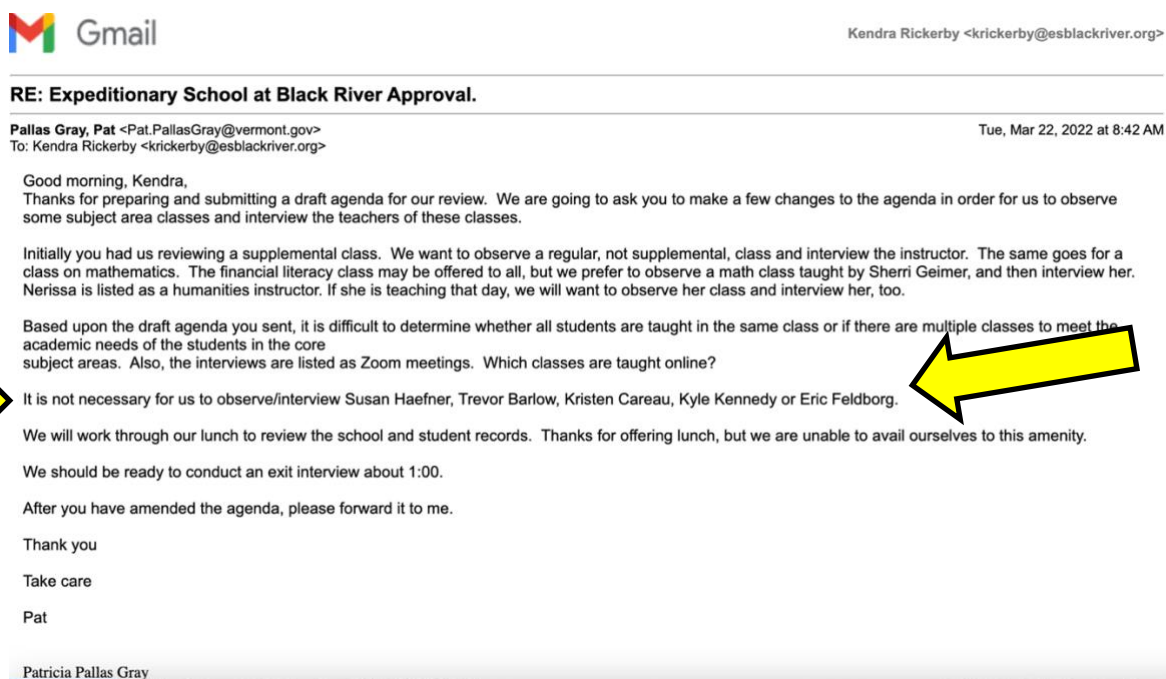
It should not be overlooked that as ESBR is entering its third year the school continues to be 100% philanthropically funded. Local control laws coupled with school choice regulations laws override AOE staff's ability to use "questions whether ESBR has financial capacity to remain viable" as a reason to deny ESBR's approval. Ultimately, School Choice means parents / guardians have the right to choose which school their "tax dollars" will follow their children.

APPENDIX

Item A: enrollment filing system



Item B: AOE staff's claim "struggled to align classroom instruction with the school's stated philosophy and objectives"



Item C: AOE staff's claim "formal lesson plans were not available for review"

8/6/22, 1:03 PM

Black River Independent School Mail - for Wed, March 30



Kendra Rickerby <krickerby@esblackriver.org>

for Wed, March 30

3 messages

Expeditionary School <learn@esblackriver.org>
To: studentsvt@esblackriver.org

Tue, Mar 29, 2022 at 6:49 PM

Hi, Team:

For tomorrow's changed schedule, I wish to share the attached with you. I have paper copies available to hand out in the morning. No need to print anything.

Please find your copy of the Newsela article I passed out last week. That was assigned on March 16. The author of the article is Peter Balakian. If you can't find the paper copy, please be sure to download the version with quiz questions. The level for the article we will be reviewing today is 1150L. I have some extra paper copies, if need be, I can provide you another one.

We will meet in the main room first thing tomorrow. I will explain all this then too.

Thanks very much, appreciate each of you more than much.

Be well,
Kendra

 [Social Studies Wed, March 30.jpg](#)

 [ELA Wed, March 30.jpg](#)

 [Student Agenda AOE site visit Wed, March 30.docx.pdf](#)
236K

Expeditionary School <learn@esblackriver.org>
To: Kendra Rickerby <krickerby@esblackriver.org>

Wed, Mar 30, 2022 at 11:27 AM

[Quoted text hidden]

 [Student Agenda AOE site visit Wed, March 30.docx.pdf](#)
236K

Kendra Rickerby <krickerby@esblackriver.org>
To: "Ormsbee, Deborah" <Deborah.Ormsbee@vermont.gov>

Wed, Mar 30, 2022 at 11:37 AM

Hi, Deb,

Below is a copy of the lesson handouts and explanation students receive. I usually send this out on Sundays with all that is needed for the week ahead.

Thanks,
Kendra

----- Forwarded message -----

From: **Expeditionary School** <learn@esblackriver.org>
Date: Tue, Mar 29, 2022 at 6:49 PM

<https://mail.google.com/mail/u/0/?ik=5b21fbdde&view=pt&search=all&permthid=thread-f%3A1728676293769581412&siml=msg-f%3A1728676293769581412...> 1/2

Item D: student conduct, Positive Learning Agreement, signed by student, parent & guardian, and an administrator upon enrollment



Positive Learning Environment Agreement

Upon enrolling and attending the Expeditionary School at Black River, I,<<insert name>>, will commit to upholding the following principles to the best of my abilities, and to be receptive to feedback and work to effect real change when improvement is deemed necessary.

1. Respect for self, others, the environment, and the learning process: Every word and action of the students should be considerate of people and things. This means polite language, a helpful attitude, and regard for property (your property, the school's property, and others' property.) This also means using your devices when allowed and for the purposes of learning.
2. A positive attitude toward learning: A positive attitude means trying new things, setting high expectations for yourself, and becoming involved in your studies. Being positive also means accepting others for who they are and celebrating their strengths. This may not always come easily. Students must be willing to make the extra effort that this requires. To do this, students must keep an open mind and embrace a growth mindset.
3. Fully engaged in school: Be present in mind, body, and spirit, and ready to collaborate and build community. This begins with active listening.
4. Each day, set the stage for learning and interacting: organize your lists, gather what you need and always be kind.
5. Adhere to our agreed upon community expectations. Do this by:
 - A. Active Listening
 - B. Being Clean
 - C. Putting Safety First
 - D. Being kind
 - E. Respecting Personal Space

When this Positive Learning Agreement is not upheld, students will engage in dialogue with the Head of School, teachers, their parents, and possibly members of the Board of Trustees. The Board will be invited into the process only when redirected behavior has not naturally resulted from the dialogue. Our goal is to create a culture where inclusion and respect for each other maintains a supportive learning environment.

Student Signature

Date

Parent/Guardian

Date

Administrator Signature

Date

Item E: certificate of occupancy (CO)

Most recent update from Ludlow's Town Manager, Scott Murphy, received August 18, 2022.

From: Scott Murphy <tmanager@lds.net>
Sent: Thursday, August 18, 2022 2:42 PM
To: 'Moody, Jay' <Jay.Moody@vermont.gov>
Cc: 'Rose Goings' <planning@lds.net>; 'Kevin MacPherson' <meandmycars@yahoo.com>
Subject: RE: Ludlow high school building

Jay,

I'm sorry but we're going to have cancel the former high school inspection. Our contractors for the stairs have not completed their work yet and the basement fire doors were never ordered by LaValley's. I'll get back in touch to reschedule.

Scott Murphy
Ludlow Municipal Manager
Cell – 802 245 4990
Office 802 228 2841

From: Moody, Jay <Jay.Moody@vermont.gov>
Sent: Tuesday, July 19, 2022 1:21 PM
To: Murphy, Scott <tmanager@lds.net>
Cc: 'Rose Goings' <planning@lds.net>; 'Kevin MacPherson' <meandmycars@yahoo.com>
Subject: RE: Ludlow high school building

Good Afternoon Scott,

Does 9:00 on Tuesday August 23rd work?

Jay Moody
Asst. State Fire Marshal
100 Mineral Street; Suite 307
Springfield, VT 05156
jay.moody@state.vt.us

Also, for details re: the structural engineer's findings, see the email ESBR sent AOE Staff on July 18, 2021. That email was never acknowledged by AOE staff.

Item F: Timeline of ESBR's Independent School Approval Process

July 21, 2021

@ 6:22 PM Initial Application submitted via email

@9:53 PM Deb Ormsbee responds indicating "it can take 6-8 months for an initial application to make its way through the process from submission to State Board review"

December 2, 2021

Four months and two weeks since Initial Application submitted, having received no communication from AOE staff about the next steps / timeline of approval process, ESBR's leadership team met with Representative Logan Nicol, Senator Alison Clarkson, Senator Alice Nitka, and Senator McCormack.

Outcome of this Meeting: the Windsor County Senators and Representative Nicoll wrote a letter to Secretary French. He may have phoned the Secretary as well.

January 4, 2022

AOE staff request ESBR complete 55 follow-up questions, due to the nature of their questions, Kendra devoted February's school break to answering each one thoroughly and with careful documentation / proof of evidence-of-operation.

March 2, 2022

Kendra submits via email the 63-page document / answers to AOE's requested follow-up questions, does not receive an immediate reply acknowledging receipt. Patrick and Gary were cc'd on that email.

March 8, 2022

Gary & Patrick, due to the fact that AOE staff did not acknowledge receipt of follow-up questions, emails AOE staff to ask if they received the 63-pages of answers.

March 11, 2022

AOE staff email just Kendra (does not reply all to Gary and Patrick's email) declaring that the site visit would occur on March 30.

>> See copies of the back and forth that occurred between March 11 and March 30. AOE requested a number of changes to the agenda initially submitted.

March 30, 2022 – Site Visit occurs

@10:00 AM (approximately): AOE staff arrived – missing the first interview with the School Counselor, this colleague graciously adjusted her schedule that day to accommodate the interview, even though AOE staff were late.

@ 2:20 PM (approximately) AOE staff depart

April 7, 2022

Per the direction of Pat Pallas Gray (PPG), Kendra communicates changes in ESBR's enrollment date via email to Andrew McAvoy. Does not get a reply. Has not as of August 21.

April 10, 2022

Per the direction of PPG, Kendra follows-up with evidence that all immunizations are on file and asks if they need to see pictures / scanned copies. Does not get a reply.

April 18, 2022

PPG emails Kendra requesting a Recognized Enrollment Form be completed. Questions on that form were similar to the follow-up questions ESBR received on January 4, 2022. Kendra copies that information into the new form and submits a signed copy via email. Does not get a reply.

April 25, 2022

ESBR Board submits a letter communicating their concerns re: the delays to the VT State Board of Education, which includes Secretary Dan French. Chairman Olson of the VT SBE replied. No response / acknowledgement of ESBR's concerns from Secretary French.

April 26, 2022

@ 3:30pm Kendra emails PPG and Deb Ormsbee (includes Patrick and Julie on the message because both heard AOE Staff say we'd receive the draft report within 10-days of the site visit). Kendra asked about the status of the "draft report" and requests specificity on the timeline for moving the process forward.

@ 6:11pm Deb Ormsbee emails back indicating that Kendra's details were "not a complete accounting of what Pat (Pallas Gray) and I reported to you."

May 10, 2022

@3:09pm ESBR Board and Kendra submits a second letter stating their concerns to just Secretary French and Chairperson Olsen.

@4:35pm Chairman Olsen replied. No acknowledgement / comment from Secretary French (this is fact as of August 8, 2022).

June 3, 2022

Patrick Pullinen sends an email with an update on the steps being taken to address the CO.

June 9, 2022

PPG replied to Patrick's June 3 update stating "When we receive the Certificate of Occupancy (CO) granting occupancy for education purposes without any deficiencies listed, we will be able to complete the draft report and forward it to you for review."

July 18, 2022

Kendra sends PPG an update on the first deficiency listed on "CO at 43 Main Street, Ludlow, VT" including the Structural Engineer's report (work that was initiated / overseen by Ludlow's Town Manager).

PPG does not reply to / acknowledge this email, as of August 8, 2022 – still no response to the important details / points conveyed by Kendra and Patrick in that update.

July 29, 2022

@1:22 pm PPG "reaches out" and asks for the first time for an update on the CO's #5 deficiency which indicated 21 days to fix.

@ 2:20pm Kendra and Patrick reply to this new detail of "#5 deficiency" and resubmit to PPG the contents of the July 18, 2022 message they sent. Kendra concluded that reply stated ESBR was including Patrick Halladay, PPG's immediate supervisor, on the response and asks again for a copy of the "draft report."

August 1, 2022

@5:01 pm PPG and/or Cassandra Ryan send an email with the "final report" attached and request that ESBR complete a Recognized Enrollment Form, since as they admitted the process would not be completed in time for the start of the school year.

August 2, 2022

@2:12 pm Kendra replies to the August 1 email and resubmits the "recognized enrollment form" she initially sent on April 25, yet as of August 8 she has not received confirmation from AOE Staff that this form was received and that ESBR has "recognized status" for 2022-23 school year.

In that message she indicated that ESBR's Board would follow-up on the other topics their message raised by the end-of-the-week.

August 5, 2022

Patrick Pullinen writes PPG and Cassandra with clarifying questions re: the draft vs. final report label. Patrick takes AOE staff up on their offer to meet sometime during the week of August 8. As of Monday, August 15, the AOE staff have not replied to the August 5 email.

August 11, 2022

PPG emailed the official recognized school status letter for 2022-23. Still no response to emails re: next steps for completing the approval process.

August 22, 2022

Not one AOE Staff has acknowledged receipt of Patrick Pullinen's August 5th email responding to their invitation to discuss the "final report".

ESBR's leadership team has since been advised to proceed as if the report was a draft version. With two full weeks and no response from AOE staff, ESBR's leadership team submits an official response to the "DRAFT/ Final Report" received on August 1, 2022. This is in accordance with the 30 days to respond statements made by AOE staff on March 30 site visit and in follow-up emails.

Important to note: there was four months lag time between the site visit and ESBR's receipt of what they were told would be a "draft report".

August 22, 2022 marks 13 months plus one day since the initial application was submitted.

Item G: financial viability

FY 2023 Announced Tuition
Vermont Agency of Education
 As reported by VT's Supervisory Unions/Districts per 16 V.S.A. §826(a)
 Sorted by SU number

SU061 BARRE SU									
LEAID	District	Grade Range	Form Received	K-Part-Time	K-Full-Time	Elementary	Secondary	Vocational	
U097	BARRE UNIFIED USD	PK-12	Yes	\$0.00	\$15,645.00	\$15,645.00	\$16,082.00	\$0.00	
VC002	CENTRAL VERMONT CAREER CTR		Yes	\$0.00	\$0.00	\$0.00	\$0.00	\$17,361.00	
SU063 TWO RIVERS SU									
LEAID	District	Grade Range	Form Received	K-Part-Time	K-Full-Time	Elementary	Secondary	Vocational	
U077	Green Mountain Unified SD	K-12	Yes	\$0.00	\$14,500.00	\$14,500.00	\$16,000.00	\$0.00	
U083	Ludlow-Mt. Holly Unified USD	PK-6	Yes	\$0.00	\$17,000.00	\$17,000.00	\$0.00	\$0.00	
SU064 RIVENDELL INTERSTATE SD									
LEAID	District	Grade Range	Form Received	K-Part-Time	K-Full-Time	Elementary	Secondary	Vocational	
U146	RIVENDELL INTERSTATE SCHOOL	PK-12	Yes	\$0.00	\$12,000.00	\$12,000.00	\$16,500.00	\$0.00	
SU065 ESSEX WESTFORD SD									
LEAID	District	Grade Range	Form Received	K-Part-Time	K-Full-Time	Elementary	Secondary	Vocational	
U051	ESSEX WESTFORD ED COMM USD	PK-12	Yes	\$0.00	\$18,000.00	\$18,000.00	\$18,000.00	\$0.00	
VC006	CENTER FOR TECHNOLOGY ESSEX	9-12	Yes	\$0.00	\$0.00	\$0.00	\$0.00	\$18,000.00	

FY 2023 Announced Tuition
Vermont Agency of Education
 As reported by VT's Supervisory Unions/Districts per 16 V.S.A. §826(a)
 Sorted by SU number

J032 WASHINGTON CENTRAL SU									
LEAID	District	Grade Range	Form Received	K-Part-Time	K-Full-Time	Elementary	Secondary	Vocational	
U092	WASHINGTON CENTRAL UUSD	PK-12	Yes	\$0.00	\$21,253.00	\$21,253.00	\$20,338.00	\$0.00	
J033 MILL RIVER UNIFIED UNION SD									
LEAID	District	Grade Range	Form Received	K-Part-Time	K-Full-Time	Elementary	Secondary	Vocational	
U052	MILL RIVER USD #52	PK-12	Yes	\$0.00	\$16,815.00	\$16,815.00	\$17,625.00	\$0.00	
J034 ORLEANS CENTRAL SU									
LEAID	District	Grade Range	Form Received	K-Part-Time	K-Full-Time	Elementary	Secondary	Vocational	
T235	WESTMORE	None	No	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
U024	LAKE REGION UHSD 24	9-12	Yes	\$0.00	\$0.00	\$0.00	\$17,000.00	\$0.00	
U093	ORLEANS CENTRAL UESD	PK-8	Yes	\$0.00	\$13,000.00	\$13,000.00	\$13,000.00	\$0.00	
J035 ORLEANS SOUTHWEST SU									
LEAID	District	Grade Range	Form Received	K-Part-Time	K-Full-Time	Elementary	Secondary	Vocational	
T055	CRAFTSBURY	PK-12	Yes	\$0.00	\$14,000.00	\$14,000.00	\$17,000.00	\$0.00	
T195	STANNARD	None	Yes	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
T250	WOLCOTT	PK-6	Yes	\$0.00	\$14,000.00	\$14,000.00	\$0.00	\$0.00	
U026	HAZEN UHSD 26	7-12	Yes	\$0.00	\$0.00	\$0.00	\$17,000.00	\$0.00	
U094	ORLEANS SOUTHWEST UESD	PK-6	Yes	\$0.00	\$14,000.00	\$14,000.00	\$0.00	\$0.00	