

**AGENCY OF EDUCATION
Montpelier, Vermont**

TEAM: School Finance

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.

FISCAL IMPLICATIONS: none

STAFF AVAILABLE:

Patrick Halladay, Director of Educator Quality Division

Cassandra Ryan, Director of Regulatory Compliance and Risk Management