

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

Draft Meeting Minutes

Meeting Place: Virtual Teams Meeting/Video/Teleconference

Call in #: 1-802-552-8456, Conference ID: 179 085 150#

1 National Life Drive

Montpelier, VT 05620-2501

Date: August 8, 2022

Present:

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

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

Others: Nathan Bradshaw, Joe Rossi, Mark Oettinger, Guy Herman, Barclay Tucker, Martha Tucker Family, Cynthia Stuart, Nicholas Samora, Peter Stoklova, Mill Moore, Nicol Tucker, Christine James, Megan Durling, Joe Astick, Harry Chaucer

Call to Order/Roll Call/Amendments to the Agenda

Tom Lovett called the meeting to order at 8:03 am.

Approve Minutes from June 7, 2022 Meeting

Tom moved approval of the June 7, 2022, meeting minutes. Patrick seconded the motion, which passed unanimously.

An update on BRIGHtality was provided. Administrators have been asked by the AOE to contact them when the facility issues have been resolved, with verification from the Fire Safety Division. The AOE has been told that BRIGHtality will respond by August 15, 2022.

An update was also provided relating to the creation of a list of independent school approved programs. The list has been completed and will be provided.

Public to be Heard

Nicholas Samora is the parent of a child who looks forward to attending the East Burke School. He was disheartened to hear of the potential non-renewal of the school. He feels the school has made a good faith effort. Mr. Samora is concerned with the uncertainty of the situation for his child who is looking forward to returning to school, one which he feels is in her best interest to attend.

Nicole Tucker spoke as a recent graduate of East Burke School. She hopes that her positive experience speaks for itself and that the school can be open on schedule.

School Reports

Maplehill School

From the AOE recommendation: "The Agency of Education's Independent and Special Education review teams recommend granting maximum school renewal of five years as well as approval of amendment to add an elementary education program, at Maplehill School, for grades four through six. The special education team will work with head of school at Maplehill School to schedule follow-up technical assistance to address deficiencies identified under Rule 2228.3 regarding coordination of special education services."

The AOE reviewed the recommendation with the committee. It was pointed out that Christopher Kane has been working with Maplehill to address the issues outlined in the report.

Patrick requested confirmation from Elmhill intends to maintain its relationship with Maplehill. Joe Astick, who is associated with Maplehill School, indicated that they are one in the same.

Tom asked if staff is being added as the grade levels as they expand to take on 15 elementary school students. In response Maplehill indicated that at the start of the year they expect to have five or six students. They will add staff proportionate to the expected growth.

Motion to renew: Tom made a motion to renew Maplehill School, with the addition of grades four through six. Lyle seconded and the motion, which passed unanimously. Tom reminded people that the committee's responsibility is to recommend renew to the full Board at the upcoming meeting. The decision is not final until such time as the full State Board of Education has voted.

Mount Snow Academy

From the AOE recommendation: "Mount Snow Academy meets the criteria for renewal of approval and the addition of grades four (4) and five (5), except for Rule 2227, which applies to an independent school that operates a boarding program, enrolls students as boarding students, or operates a residential treatment program. As a school with a boarding program, Mount Snow Academy is required to be accredited by a State Board recognized accreditor; or licensed as a residential childcare facility by the Department for Children and Families (DCF). Mount Snow Academy has not received accreditation and

is not licensed by DCF. Accordingly, the Agency of Education cannot recommend renewal of approval due to noncompliance with Rule 2227 at this time.”

Patrick Halladay reviewed the renewal and request to add grades four and five. He indicated that Rule 2227 requires the school to either be licensed as a residential care facility by DCF or it must be accredited by an accrediting agency recognized by the State Board of Education. Until such time as the State Board of Education acts, the school maintains its current status by virtue of having filed the application. It was pointed out that it is important for Mount Snow to receive a decision because Federal funding is available for air quality upgrades, but that the funds cannot be accessed without being an approved independent school.

Peter Stoklova indicated that they have alerted that AOE that they are a candidate with the AISNE (Association of Independent Schools in New England) to become accredited. However, it is a one-to-two-year process, which the school is willing to go through. They are hoping for a conditional approval, while they go through the process. The school feels caught off guard by the new Rule 2227. Having successfully gone through the accreditation process in the past Mr. Stoklova understands the self-study process and time commitment required.

Patrick indicated that there was no way for the school to get accredited between the time the rule came into being and within the renewal period. Emily Simons indicated that there is a process that allows the State Board of Education to waive its rules.

Tom pointed out that the committee can defer action or conditionally approve renewal pending successful progress towards accreditation. Mount Snow staff indicated that they can get information to insure that they are engaged with the AISNE. Tom pointed out that the committee needs something in writing that outlines that they are a candidate, what the plan is to accomplish the task and a timeline.

Emily reminded the committee that the reason for the rule was, in large part, because of the health and safety of the students in a boarding situation.

Motion to recommend a waiver: Lyle made a motion to recommend to State Board of Education that Mount Snow be allowed a waiver of compliance with 2227 with conditions, including all assurances required by the AOE that Mount Snow is in good standing with AOE, and in compliance with intent of 2227. In addition, Mount Snow will provide a projected schedule of work and timeline that will lead to formal approval by the AISNE (Association of Independent Schools in New England), including written assurance from the AISNE that Mount Snow is engaged in the process. Patrick seconded the motion, which passed unanimously.

Peter Stoklova indicated that he would provide an email from the AISNE indicating their involvement prior to full State Board of Education meeting on Friday. He will send it to Patricia Pallas Gray and Tom Lovett.

East Burke School

From the AOE recommendation: “East Burke School’s programming does not currently meet all State Board of Education Rules and educational requirements under 16 V.S.A. § 906. The program areas of greatest concern, for Agency of Education personnel, pertain to minimum course of study requirements under 2225.5 and 2226.3. Specifically, three program areas are not compliant with 16 V.S.A. § 166, 16

V.S.A. § 906 and SBE Rule 2200. First, the school does not meet the requirements to offer the minimum course of study as required by 2225.5 and 2226.3. The MCOS must be “adapted to a student’s age and ability” 16 V.S.A. 906(b). Second, East Burke did not provide evidence to demonstrate that the curriculum is adapted to student age, or that the offered MCOS is “age and ability appropriate” as required by 2226.2. The school did not provide evidence that student progress is assessed according to a system of records maintained by the school as required by 2226.3. Finally, East Burke School is not compliant with the requirement to administer state assessment(s) to students whose district of residence pays tuition on the student(s) behalf under 16 V.S.A. § 166(g). The Agency of Education’s Independent School Team is unable to recommend renewal of approval for East Burke School at this time.”

Patrick Halladay outlined why the AOE is not able recommend renewal.

Mark Oettinger represents East Burke School. He pointed out that the school has a great deal of public support. They have submitted a timeline that outlined that they have been responsive to the AOE’s concerns. East Burke School requests that they be allowed a short timeframe to get back to the committee, so that they can confer with the AOE on their latest submittals, submittals that they believe provide evidence that they are in compliance and deserving or renewal. They have students ready to start school. The delay in State Board action would allow them to continue under their current status while conferring with the AOE.

Megan Bradshaw indicated that a roster of supporter names was sent to AOE that morning. The School has been in existence for 20 years. They serve marginalized students. Students are excited to attend school. She feels that they only found out recently that they were in jeopardy of nonrenewal. They feel that the concerns addressed in the report have been addressed.

When asked for clarification the East Burke School indicated that they learn in May of the pending nonrenewal. They then responded to the report. Then they received notification of the current meeting last week. They feel that documentation, 80 pages of curriculum planning, provided answers to the concerns. They wish to have time to have their responses reviewed and responded to by the AOE.

Nathan Bradshaw, East Burke School, reviewed the concerns and pointed out that many changes have taken place over time. He believes the report is inaccurate. They have documented compliance with many of the issues including Mandatory Reporting, Hazing Harassing and Bullying and the creation of a handbook. Mr. Bradshaw does not believe that the report represents the current state of their school.

Harry Chaucer expressed his belief that East Burke School has accomplished a great deal. They are an alternate path to graduation. It is in opportunity for many students. The pandemic fragmented the review and renewal process. He believes that the school has used time during the pandemic to effectively restructure the school.

Motion to defer action: Following discussion about how much time it would take to communicate with the AOE about the fact that they have resolved the AOE review team’s concerns, Lyle moved that the committee recommend to the State Board of Education that the East Burke School renewal decision be deferred until the October meeting of the State Board of Education. The East Burke School is expected to provide an update to the committee at its September and October committee meetings in anticipation of action by the State Board of Education at its October meeting. This is, in essence, a 60-day deferment within which time the East Burke School can work with the AOE. The AOE may, due to staffing issues, may request additional time. The motion was seconded by Patrick and passed unanimously.

Tom will make sure that all involved parties will be aware of the meeting dates.

Patrick indicated that a 60-day extension is not the same as approval. There is a risk associated with having students begin school and then have a school become unapproved. A negative opinion on the part of the State Board of Education would require students to seek education elsewhere.

Public to Be Heard

No public wished to be heard.

Adjourn

Lyle moved to adjourn the meeting at 9:15am. Patrick seconded the motion, which passed unanimously.

Minutes prepared by Lyle Jepson

