

Guidance for Approved Independent Schools, Including Residential Facilities, During COVID-19

General Considerations for All Approved Independent Schools

Approval Process

If an approved independent school is due for renewal during the period of school closure, the current approval is permitted to stand until otherwise acted upon by the State Board. SBE Rule 2222.5. The Vermont Agency of Education (AOE) had 14 program renewal visits scheduled between March 19 and June 1, 2020. All visits have now been cancelled and will be rescheduled once schools reopen. The vast majority of schools with upcoming expiration of approval have already submitted their renewal applications. Schools with upcoming expirations should submit a completed application to Pat Pallas-Gray at: pat.pallasgray@vermont.gov. Schools will receive confirmation of a completed application from the AOE. An independent school can consider such confirmation sufficient for the sake of rule 2222.5 compliance until schools are reopened.

Tuition Reimbursement

Approved independent schools are required to offer remote learning for enrolled publicly funded students. Therefore, tuition payment from SU/SDs to approved independent schools should continue and should continue to be governed by the written agreement between the parties. Approved independent schools and LEAs will need to coordinate remote learning supports for students with disabilities. An LEA will not be required to reimburse an approved independent school for special education services that are not or cannot be substantially delivered during the period of school closure. Independent schools may receive reimbursement from an LEA for the delivery of compensatory services, if determined necessary by a student's IEP team upon the return to school, subject to the availability of funds for this purpose.

Special Considerations for Residential Programs

Residential program staff must implement social distancing protocols (Per CDC, DMH and DCF guidance) when providing educational and therapeutic services for the State of Vermont. Please consult the Vermont Department of Health for guidance.

School Closure - Therapeutic vs. Educational Services

Under the Governor's order, all schools were to be in a state of "orderly dismissal" during the period of March 18, 2020, through April 6, 2020. During this timeframe schools, including independent schools, are to plan for continuation or maintenance of educational learning via e-

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learning or other remote learning options. For residential programs, this is especially challenging as the resident students will remain on-site. The Office of Special Education Programs has issued [guidance that specifically addresses remote learning for students](#) including those enrolled in residential facilities.

For additional guidance from the Agency of Human Services, see:

- March 19, 2020: [Guidance for Residential Programs serving Children and Youth](#)
- March 23, 2020: [FAQ #2 - CoVid-19 Frequently Asked Questions and Guidance to Designated Agencies](#)

Remote Learning at Residential Facilities

In an effort to comply with the Governor’s “Stay Home, Stay Safe” order, a residential facility may not have sufficient staff to deliver the typical program of education on-site. In the event of a temporary closure of the education program offered by the residential school, the school should offer remote education to the extent possible.

This means a residential school should determine its capacity to deliver services using virtual, telephone or other remote means. In the alternative, residential programs shall be prepared to offer compensatory services for its resident students when the school resumes normal operations, following the period of closure.

For LEA and parentally placed students, if a parent opts to remove their child from the residential facility as a means of responding to COVID-19 concerns, the residential school must be prepared to provide academic and IEP services using virtual, telephone or other remote means. The residential school should coordinate the continuation of academic and IEP services with the LEA for LEA-placed students who are removed by their parents.

If a residential facility closes its school and is unable to provide educational programming using virtual, telephone or other remote means, then the residential school must document all services that have been missed due to closure. The type, amount and duration of compensatory services is determined by the IEP team. Documentation of missed services will be necessary for the IEP team’s determination of compensatory services.

Residential schools must be communicating with LEAs regarding capacity to deliver services currently, ability to provide remote services and development of a continuity of education plan.