

**AGENCY OF EDUCATION
Montpelier, Vermont**

ACTION ITEM:

- 1) Will the State Board of Education grant a waiver of SBE Rules 2222.6 and 2222.7 relating to timely renewal application to Stone Path Academy (SPA), on conditions recommended by the Secretary, until June 30, 2022, provided that if Stone Path does not satisfy the conditions recommended by the Secretary, the State Board will withdraw its conditional waiver?
- 2) Will the State Board delegate monitoring of this conditional approval to the SBE Committee on Independent School Approval?

SECRETARY'S RECOMMENDED ACTION:

That the State Board of Education grant a waiver permitting Stone Path Academy (SPA) to continue to operate as an approved independent school until the end of this school year, June 30, 2022, conditioned on the following terms:

- SPA shall not enroll any new students;
- SPA shall report any changes in personnel to the AOE as soon as possible, no later than 7 days after the change;
- SPA shall report to the AOE every thirty (30) days on the following areas:
 - Student enrollment
 - Changes to education program elements
 - Issues or changes concerning student Individualized Education Program (IEP) implementation;
- SPA will timely inform Local Education Agencies (LEAs) that the school is closing on June 30, 2022 and assist with any related transitions;
- SPA will transfer or make arrangements to transfer all student records to the LEA of the student's residence on or before June 30, 2022.
- failure to comply with the terms above may be grounds for the SBE to withdraw its waiver permitting continued operations as an approved independent school; and
- SPA will cease operating as an independent school after June 30, 2022.

BACKGROUND INFORMATION:

SPA is an approved independent school that enrolls students placed by local education agencies (LEAs) for special education services. The school's most recent approval was for a period from 12/18/2018 through 6/30/2020. The school submitted a timely application for renewal in Spring 2020. Covid-19 restrictions prevented Agency of Education staff from conducting on-site visits in 2020 and early 2021. The school retained its approval status pending action by the State Board, as was the case with all approved independent schools seeking renewal and consistent with SBE Rule 2222.5.

In fall 2021, when AOE staff prepared to complete the review of SPA and schedule the onsite visit, the school informed AOE staff of several program changes that were not captured on the application submitted more than a year prior. AOE staff were also informed that the school's owner was planning to close SPA at the end of the 2021-2022 school year. Because the application on file was known to be inaccurate and incomplete, the AOE required SPA to submit an updated application for renewal before December 31, 2021. The AOE informed SPA that failure to meet the deadline would mean that the school had not submitted a timely application for renewal, and that it would no longer be an approved independent school by operation of Rule 2222.5. SPA did not submit an updated application by the deadline and confirmed that the school would close on June 30, 2022.

The AOE had concerns about the implications for students. A lapse in SPA's approval would immediately prohibit school districts from paying tuition for their resident students to attend SPA. These students are placed by their LEAs after a determination that the LEA cannot meet a student's special education needs in the general education setting. The AOE is aware that for the majority of students placed at SPA, the LEA of residence does not have an alternate appropriate placement for the student.

The AOE believes that the best available outcome for students is for SPA to be permitted to operate as an approved independent school through the end of the year, without being reviewed for renewal of its approval status in the normal course. If SPA is permitted to retain conditional approval through the end of the school year, the students can continue to be enrolled by their LEA without a midyear disruption. The AOE recommends the reporting requirements detailed above to assure that services continue to be delivered and that any changes are quickly reviewed by AOE and reported to the State Board if they represent a violation of the conditions.

EDUCATION IMPLICATIONS: When SPA closes, the students' LEAs of residence will be required to identify alternative placements for the students.

FISCAL IMPLICATIONS: None.

STAFF AVAILABLE: Emily Simmons, General Counsel