

May 12, 2023

Daniel Shapiro
Deputy Associate Attorney General
Office of the Attorney General
165 Capitol Avenue
Hartford, CT 06106

By Electronic Mail at daniel.shapiro@ct.gov

Re: Stone Academy

Dear Deputy Associate Attorney General Shapiro:

As you know, I represent Stone Academy with respect to actions by the Connecticut Office of Higher Education (OHE) and Department of Public Health (DPH) relating to the closure of the school and in responding to your office's consumer protection investigation. As you are aware, Stone categorically disputes the public explanations offered by your office and OHE regarding the causes and circumstances of Stone's closure. We also strongly dispute that any basis exists for a consumer protection investigation. The purpose for this letter, however, is not to address those disputes. Rather, it is to again propose a teach out program for Stone students. Attached for your review is a proposed teach out plan – the fourth that Stone has proposed to OHE. We urge OHE to authorize and implement the plan without delay.

As you know, prior to being instructed to close precipitously on February 10, 2023, by OHE Executive Director Larson, Stone Academy had proposed two teach out plans with external partners, and one teach out utilizing Stone's own remaining staff and faculty. For reasons that remain unclear, OHE summarily dismissed those proposals. Thereafter, Stone began working with Porter and Chester Institute to align their curricula, host a series of Hiring Fairs, and provide intake forms for students to utilize in applying to the program at PCI's campuses. It was later learned that OHE contacted the practical nursing schools in the State of Connecticut and instructed them not to accept any Stone students unless they were starting from the beginning of the program. This situation prevented the last opportunity for Stone Academy to provide direction and solutions to the more than 800 students who were active at the time of the closing. On February 10, OHE Director Larson terminated all discussions relating to teach outs and ordered Stone to close by February 24.

In the ensuing 90 days, OHE has neither completed an audit, nor provided students with a teach out or facilitated other opportunities to continue their studies. The longer students are prevented from continuing their educations, the more difficult it will be for them to successfully do so. In light of this unfortunate reality and for the benefit of the students, we submit the attached teach out plan for consideration. As noted in the plan, we have identified a qualified third party teach out partner to administer the plan. The entity is

fully authorized in good standing by OHE to administer practical nursing education. If permitted by OHE to do so, we are confident that this entity will be willing to assist with a teach out.

We urge you to seriously consider the plan. As we have indicated to you, Stone is willing not just to assist in a teach out but to provide other meaningful resources to aid its students and graduates in navigating the difficulties and uncertainties they now face. We urge you to join us at the table to discuss how best to serve Stone students and graduates. We will make ourselves available at your earliest opportunity to do so.

Very Truly Yours,



Perry Rowthorn

Teach-Out Proposal For Stone Academy Students

Approach

The intention in creating this plan is to provide a pathway for Stone Academy students while addressing the concerns presented by the Office of Higher Education. While our disagreements surrounding these concerns have been well-documented in the past months, for the purpose of expediting the process to the benefit of the students, elements of this proposal have been added to address these concerns in good faith. To be clear, however, Stone disputes in their entirety all of the allegations of programmatic failures and regulatory violations made by state officials.

In designing this proposal, we have also taken into account the Office of Higher Education's Request for Information (RFI) dated April 12, 2023, as well as information contained within a March 10, 2023 proposed audit engagement letter between CliftonLarsonAllen LLP and the CT Office of Higher Education (Engagement Letter). As OHE has never formally provided the institution with any insight into the background of their "findings" from December of 2023, these two documents were utilized to guide this proposal relative to OHE's concerns as objectively as possible.

Stone Academy has worked independently to identify a teach-out partner willing to engage in the solution. However, citing the legitimate concerns of being targeted OHE and the Connecticut Board of Examiners for Nursing for assisting Stone Academy students without the express consent by OHE and CTBOEN, the institution will not be identified at this time at their request. If this plan is accepted, the institution has informed Stone Academy of its willingness and interest in helping to resolve the situation.

Curriculum Alignment

While all practical nursing programs in the State of Connecticut are required to contain similar academic elements, the nature, order, and delivery of the academic offerings can (and do) vary significantly by school. With that in mind, Stone Academy will provide the receiving institution with a program overview identifying the courses within its program and the composition of the hours, course descriptions, syllabi, books, and any weekly instructional guidance for each course.

These materials will help ensure that the receiving institution can accurately determine the most effective method for transferring incoming students, such that the student will be poised for academic success.

Theoretical Coursework

While much attention has been drawn to the clinical coursework within the program at Stone, the majority of the credits (77.8%) are theoretical, classroom, or lab courses. This section addresses the transfer of credits for theoretical courses while addressing the State's concern of unqualified instructors.

The primary document for determining which credits are acceptable for the receiving institution to transfer in is the transcript. At the time of closing Stone Academy provided the Office of Higher Education with electronic copies of every active student's transcripts. Section III.C.8.iii. of the Engagement Letter states that successful completion of theoretical coursework is "determined by successful course completion or other indicators of student progress (assume that the passing of a class is equivalent to completing the total classroom hours required for that class)". This serves to provide guidance that every theoretical course with a passing grade that is listed on a student's transcript can be considered successfully completed, as long as the course was taught by a qualified instructor.

To accommodate this exclusion Stone Academy will provide a comprehensive list of every course, by term, that was taught by an allegedly unqualified faculty member. The Connecticut Office of Higher Education would need to provide Stone Academy with a list of faculty they deem unqualified.

(As you know, Stone vehemently contests the characterization that a material number of its instructors failed to possess necessary qualifications.)

With this information we can present the partner Teach-Out institution with either A) a modified transcript removing the course or B) an unmodified transcript annotating the course that should be excluded from their consideration for transfer credits.

Clinical Coursework

Stone Academy's program was approved as a 106 credit, 2060-hour program in which 860 of those hours were clinical courses. The number of clinical hours in the program exceed the State's requirement of 750 hours by 110 hours. For the purposes of streamlining the Teach-Out plan for immediate implementation, this proposal suggests considering Clinical I, consisting of 90 hours, as a laboratory course and not counting towards this clinical hours students will need to graduate. Since all receiving institutions have fewer curriculum clinical hours than Stone Academy, this will make the integration of the clinical curriculum's more practicable without any concern that graduating student will have fewer than 750 clinical hours, once unpermitted hours are excluded via the transfer intake process.

In Section III.C.8.vi-xiii the State seems most concerned with students having completed their clinical hours off-site, in accordance with the requirements set forth by the Department of Public Health. In reviewing this assertion, Stone pursued a more conservative method of counting only those clinical courses for which Stone Academy can evidence a schedule or an individual clinical evaluation which identifies that the clinical took place at a unique, off-site facility. This means that any clinical experience that cannot be evidenced to have taken place

off-site would not be able to transfer into the partner Teach-Out institution. Thus, per OHE's stated concern and regardless of the Executive Order allowing for virtual clinical experiences for a period of time, that the only clinical hours transferring would be those that probably took place at a clinical facility.

Additionally, to accommodate concerns about unqualified faculty in the above sections, this proposal would exclude any clinical experiences in which unqualified faculty were the primary instructor. As so in the previous section, this would be reliant on the Office of Higher Education providing Stone Academy with the list of faculty they deem to be unqualified.

With this information we can present the partner Teach-Out institution with either A) a modified transcript removing the clinical or B) an unmodified transcript annotating the clinical that should be excluded from their consideration for transfer credits.

Remediation

It is the general experience of Stone Academy that students who restart a program after a leave of absence generally catch up and assimilate within one semester. In these cases, they are joining an intact cohort that has not had a similar leave of absence. Since 90-days have passed without any continuity for these students, and the likelihood that they may resume their studies as an independent cohort, it's likely that some remediation might be necessary and/or beneficial to refresh the students' theoretical or clinical knowledge. While generally this should be the responsibility of the partner Teach-Out institution, this proposal outlines two options that it is believed best serves the students.

Theoretical Remediation

For those students within the first semester of their program, we are confident that they should be able to assimilate into their studies more readily. For students beyond that point in their curriculum, we recommend the utilization of ATI's virtual programs. With this approach students will not need to be remediated prior to restarting their academic journey but, rather, concurrently within their first semester.

Clinical Remediation

Returning students' performance in a range of clinical skills can vary greatly based on the amount of time they have been away from school, their occupation, and how far they have progressed within their program. Over 60% of Stone Academy's students are or were Certified Nurses' Aides. For this population, the skills within Clinical II are likely being maintained if they have continued to work in the past 90 days. For those that have progressed to Clinical III or beyond, including those that have begun medication administration, they may benefit from remedial on-site work or a Clinical Skills Assessment.

Stone Academy operated a laboratory component within its 60-hour pharmacology course. Its syllabi, paired with the weekly forms, could be provided to the partner Teach-Out institution for the purposes of remediating students on their medication administration skills. For other clinical skills, Stone Academy would provide a list of clinical skills that are required for each clinical course that could serve as a guide for the partner Teach-Out institution to evaluate each student's acumen in these areas.

Outcomes Reporting

Over the course of Stone Academy's operations its graduates would utilize a unique code when taking the NCLEX-PN which identified the program and campus that the student attended. This proposal suggests continuing to provide former Stone Academy students with those unique codes for the purposes of tracking the student population as they progress towards their career in practical nursing. This would allow for DPH and OHE to be able to provide additional interventions for these students if the need exists. Additionally, as it relates to retention or placement into the field of study, the partner Teach-Out institution would need to work with their accreditor(s) to determine whether students who are being taught-out would be excluded from their calculations, or otherwise considered, likely with cooperation or understanding from DPH and OHE.

Population Exclusions

The RFI dated April 12, 2023 identified the Office of Higher Education's intention to provide a Teach-Out plan for students with fewer than 150 hours of clinical remaining. This should be amended to identify students with fewer than 180 hours of clinical remaining. This adjustment would incorporate any students who have yet to complete Clinical VI at Stone Academy. Limiting the hours to 150 means that the State would have to identify students who have attended at least 30 hours of their final clinical rotation. Additionally, it was most typical for students to take Seminar II *after* the completion of all of their clinical hours.

All of the conditions presented within the RFI will likely reduce the applicable population that it addresses to outliers and not any singular cohort of students, as the concerns were less pervasive and more situational. If amendments are made to allow for the State's intended plan to address students with less than 180 hours of clinical remaining and only Seminar II left to take, then Stone Academy can provide a list of all students that would be applicable to and we would exclude this population from this proposed Teach-Out plan, which OHE could then verify.

Intake of Students

Former Stone Academy students would need to be communicated with directly regarding this teach-out opportunity by one of two methods, A) OHE conducts direct outreach to Students, or B) OHE provides Stone Academy with the body of an email that can be sent out utilizing Stone's student information system (SIS).

Included within this communication should be unique links to the receiving institution that will allow for them to collect student information for each transfer. With this information the receiving institution can work directly with Stone Academy to begin receiving amended or annotated transcripts with CTOHE's guidance and approval.

It will then be the responsibility of the receiving institution to contact the student and proceed with any of the aforementioned items to integrate the student into their institution. Further, a comprehensive fact sheet or Q&A with clear instructions could be included on Stone's website www.stone.edu and on the partner Teach-Out institution's website.