

State Board of Education
Independent School
Approval Review
Committee
June 7, 2022

**AGENCY OF EDUCATION
Montpelier, Vermont**

TEAM: School Finance

ITEM: Will the State Board of Education grant initial general and special education independent school approval to BRIGHTality in St. Albans, VT, to serve up to 15 children/youth in grades 6-12 in the following disability areas:
Autism Spectrum Disorder (ASD), Emotional Disturbance (ED), Intellectual Disability (ID), Multiple Disabilities (MD), Other Health Impairments (OHI), Specific Learning Disabilities (SLD), and Speech or Language Impairment (SLI)?

SECRETARY'S RECOMMENDED ACTION:

That the State Board of Education grants initial general and special education independent school approval to BRIGHTality in St. Albans, VT, to serve up to 15 children/youth in grades 6-12 in the following disability areas: Autism Spectrum Disorder (ASD), Emotional Disturbance (ED), Intellectual Disability (ID), Multiple Disabilities (MD), Other Health Impairments (OHI), Specific Learning Disabilities (SLD), and Speech or Language Impairment (SLI). This approval is for two years through June 30, 2024, which is the maximum length allowed by SBE rule for initial 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, 2228 et seq

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. BRIGHTality is seeking initial general and special education independent school approval to serve up to 15 children/youth in grades 6-12 within the following special education disability areas: Autism Spectrum Disorder (ASD), Emotional Disturbance (ED),

Intellectual Disability (ID), Multiple Disabilities (MD), Other Health Impairments (OHI), Specific Learning Disabilities (SLD), and Speech or Language Impairment (SLI).

4. The Agency of Education's (AOE) independent school and special education review teams conducted a review of the program on November 30, 2021.
5. Currently, BRIGHTality is providing tutoring services for students in grades K-12.
6. Four sections of the new independent school rules took effect upon adoption on May 10, 2022. Those rule are: Rule 2223 (Procedure), Rule 2224 (Reciprocity), Rule 2226 (Application) and Rule 2227 (Approval). BRIGHTality has provided a signed addendum attesting to meeting these new rules.

FISCAL IMPLICATIONS: none

STAFF AVAILABLE:

Cassandra Ryan, Director of Regulatory Compliance and Risk Management

BRIGHTality Site Review – Initial Approval

Independent School Review Report General Education and Special Education

Site Review Conducted November 30, 2021

Submitted by Independent School Review Team:

J. Deborah Ormsbee, General Education Representative

Tracy Harris, Special Education Representative

Alex Langevin, Special Education Representative



Site Review Scope of Work and Purpose

This report will specifically address BRIGHTality's application to become an approved general education and special education school in St. Albans, Vermont. BRIGHTality currently operates as a for profit business that provides tutorial services to supervisory unions/school districts, primarily in northwestern Vermont.

The Agency of Education's (AOE) independent school and special education review teams conducted a review of the program on November 30, 2021. The focus of staff interviews, review of the facility and curriculum was to determine if the program complies with Vermont statutory requirements, and State Board of Education (SBE) rules.

The independent school team has requested a set up assurances consistent with recent updates to Rule Series 2200 that will confirm compliance with statutory and rule requirements.

General Education

School Philosophy & Educational Objectives

SBE Rule 2225.2, 2225.5

The general education review team representative met with BRIGHTality staff on Thursday, November 30, 2021. Interviews were conducted in the school building located at 1 Brown Avenue in St. Albans, VT. Currently BRIGHTality provides tutoring services for students in grades K-12. Tutorial personnel present for interviews were the owner of the educational business, education program director, six classroom teachers, the licensed special educator, and the therapeutic services specialist.

School Philosophy

Interviews revealed, consistently across each staffing area, that program philosophy and stated educational objectives will remain the same, if granted approval to operate as an independent school: "... BRIGHTality believes that all people can learn and grow. We believe that a complete education happens in an environment that develops knowledge, skills, and character to the end that students can pursue their individual life goals and fully participate in society. We believe that knowledge and skills are deeply connected to social/emotional well-being and character development." (BRIGHTality general education application)

Program Objectives

BRIGHTality's head of school stated that the program's educational objectives are to ensure that each student's individualized program will include development of a robust transition plan to support students through the process of returning to their public school. The school's objectives are published in the student/family handbook and are available for placing Local Education Agencies (LEAs), and state:

"BRIGHTality is organized to provide high quality education to students with a qualifying disability. These students grow in knowledge, skills, and character in order to become independent and fulfilled as individuals who participate in society. In addition to students with

a documented disability, we provide educational services for any student who would benefit from our school, for example those in transition between regular education and an alternative setting or homeschoolers.”(BRIGHTality General Education Application)

School Enrollment

16 V.S.A. §166(b)(4), SBE Rule SBE Rule 2225.3

Agency review of intake documentation in conjunction with staff interviews, confirmed that student enrollment will be in compliance with SBE Rules and 16 V.S.A. 166(b)(4). Once approved, BRIGHTality will offer a regular school-year program and will serve up to 15 children/youth in grades six through twelve.

After review of all appropriate LEA student documentation, an official enrollment team will be assigned to interview parents, students, and LEA staff, as indicated. BRIGHTality’s enrollment team will include head of the school, education program director, the special educator (for students on Individualized Education Programs (IEPs)) and other personnel deemed essential, based upon referred student’s identified areas of need.

After the formal process has been completed, students, a member from the sending LEA and a family/guardian representative will visit BRIGHTality school and tour the facilities. A final enrollment determination will be made based upon two predominate but equally important enrollment criteria:

1. BRIGHTality’s ability to provide required services with fidelity and
2. A student’s ability to demonstrate readiness to successfully access educational supports and engage in school activities in a safe and consistent manner.

A thorough system for securing enrollment documentation exists and will ensure confidentiality of referred student and family information. Additionally, student records comply with Individuals with Disability Education Act (IDEA) requirements for on-site storage, limiting personnel access to per-need basis and are aligned with parent and family notification requirements.

Governance

SBE Rule 2225.4

BRIGHTality has a comprehensive plan in place for ensuring success of the school, as well as, to provide a high-quality academic program experience for enrolled students.

The school’s general education application aligns with information gathered by the AOE’s review team during staff interviews. The governance model developed includes short- and long-range development and oversight.

BRIGHTality (once approved) will be a privately owned general and special education school and governance board members will include a president, the owner of the company, who will also be responsible for maintaining a good working relationship with sending schools, ensuring compliance with education law, ensuring the company is meeting its stated goals and

objectives, developing and managing a well-qualified staff, and ensuring that accurate records are kept.

Other members of BRIGHTality's governance board include a treasurer, secretary and eventually members of the community at large. The Treasurer shall be responsible for management of the budget, ensuring that accounts receivable and payable are current, ensuring that accounts are balanced, financial analysis and recommendations to ensure the success of the company. The Treasurer shall also oversee any financial audits. The Secretary shall be responsible for the management of records to include financial records, meeting minutes, licenses and certifications of the school and its staff.

After State Board approval, BRIGHTality will begin the search for community members to join the board in an advisory capacity. Governance board descriptions of responsibilities for these members will include integration activities that will inform the St. Albans community of the school's mission, objectives and to provide a fresh perspective about educational trends to the head of the school and update community members on how needs of enrolled students are being met.

Minimum Course of Study & Required Assessments

16 V.S.A. §166(b), SBE Rule 2225.5

BRIGHTality's over-arching grades six through twelve minimum courses of study, are based upon Common Core State Standards, the Vermont Framework of Standards, and New Generation Science Standards (NGSS) in alignment with Multi-tiered Systems of Support (MTSS). Moreover, staff utilize effective, evidence-based best practice instructional materials, curricula and assessments as identified by a variety of universities and utilized in a variety of ways to support each student and meet all IEPs.

Each member of the staff interviewed were able to articulate processes for adapting curriculum to meet individualized student IEP goals and social/emotional objectives. During AOE interviews staff members provided examples of project-based work, and assessments regularly included in student individualized learning plans. There is a formalized plan in place for implementing and supporting state assessments for all publicly funded students.

Other program-required courses and curriculum have been developed to expand student learning, some of which include physical education, nutrition, health, and wellness (drug, tobacco, and alcohol awareness), the arts and art history.

On the second floor of the facility, a student Learning Center has been developed to provide remedial support for individual students or small peer group enrichment learning activities. Part of the Learning Center includes access to site-based clinical staff to provide students with intensive social/emotional supports and crisis interventions.

Instructional and support staff employ a variety of techniques for delivery of educational services including peer-tutoring, individualized student practice, one-on-one direct instruction, and direct instruction in small, classroom settings.

Imbedded in all areas of learning are trauma informed and social emotional practices that provide additional support to close student achievement gaps. Staff consistently communicated,

during interviews, that a primary objective for every student is to access programing that will foster a successful transition back to a mainstream public education setting after obtaining appropriate emotional supports, academic skill development and ability to master independent behavioral management techniques.

Once approved, BRIGHTality will also offer educational opportunities in life skills, physical education, the arts, and for older students personal economic skill development. Staff have plans in place to provide students with opportunities to develop flexible individualized learning plans that utilize authentic assessments. A clear graduation plan is in place and will be annually reviewed for effectiveness, as well as to ensure requirements are met. Content area curricula are robust and clearly defined. The history curriculum includes local history, State history, and a civics curriculum.

Professional Staff

SBE Rule 2225.8

BRIGHTality instructional staff, at minimum, are required to have a four-year degree and progress towards obtaining professional licensure is encouraged. Current staff were hired due to extensive experience working with special education students.

All members of BRIGHTality's staff engage in annual professional development in both content area learning and social/emotional trauma informed interventions. Some members of the instructional staff are enrolled in graduate school. The head of school is currently enrolled in Orton Gillingham certification course work with completion date of June 2022.

It is an expectation of the business owners that all staff remain current with either professional licensure or continue professional knowledge in their service area. In addition to supporting professional development through college course work or on-line professional opportunities, BRIGHTality's owner provides whole staff training on relevant subjects including, but not limited to: special education, trauma informed classroom management techniques, core curriculum development and assessment implementation.

Staff curriculum vitae and professional development records are up-to-date and readily available for review. All staff files contain copies of annual evaluations which incorporate goal setting, identify areas in need of improvement, a list of staff strengths and professional achievements.

Staffing Safeguards:

Background checks are conducted prior to start date for all newly hired employees. Fingerprint supported criminal records check and Vermont adult/child abuse registries are checked regularly, and both reports are contained in a confidential filing system available for review upon request.

Mandatory Reporting Procedures:

The BRIGHTality School community has developed, implemented, and published mandatory reporting procedures and expectations in the handbook. Included in the policy are provisions

for reporting child abuse and the circumstances in which a case must be reported to school administrators and appropriate authorities.

Furthermore, the handbook references situations in which specific types of conduct, and interactions with students are cited in Vermont law, and outlines school policies for disseminating mandatory reporting policies and training schedule.

Facilities

SBE Rule 2225.6

BRIGHTality School is located in a quiet neighborhood in downtown St. Albans, the program owners have renovated most of the facility while maintaining original charm of late Victorian architectural design structure. The AOE review teams noted that the bathroom facilities and classrooms were not accessible for students or staff members with mobility needs and not currently American Disabilities Act (ADA) compliant. The facility will be brought into ADA compliance before students are allowed in the building.

Much time and attention have been devoted to creating learning environments that are calming, clean, inviting and will regularly display student work and achievements. Student and staff furniture is in excellent repair and classrooms are well lit with both artificial and natural lighting that facilitates supportive trauma informed classroom management practices.

BRIGHTality's owner and head of school has received a certification of occupancy from the Division of Fire Safety, which has been forwarded to the AOE with the application, as required.

Handicap accessible equipment has been ordered and will be installed to ensure prompt, safe evacuations of students and staff. Handicap accessible doorways, and equipment will comply with the ADA.

Kitchen spaces that serve dual purposes for learning activities and meal preparations are compliant with all Health Department requirements. Cooking utensils have been secured to guard against unsupervised, unauthorized student access.

Health & Safety

Emergency Services:

Each month all occupants of the building will practice fire and emergency safety evacuation protocols. BRIGHTality has a plan to work with St. Albans City Police Department to develop lock-down and shelter in place protocols.

All staff members are trained in CPR and First Aid with specific emphasis on immediate response to student crisis and injury, as well as regular medical interventions.

Proper protocols are in place for ensuring compliance with blood borne pathogen and disposal of sharps.

Parents, guardians, or custodial adults will be informed of health, medical and program safety protocols, and procedures at intake and will receive annually a copy of all program policies.

Nursing Services, Medications and Immunization Records:

BRIGHTality does not currently employ a nurse or provide visiting nursing services for students. Designated staff members are trained in proper dispensing of student medications, logging of information and a secure, locked medicine cabinet is in place at the central office. Student immunization records are contained in a secure, confidential locked filing system as well as placed in each student's file.

Harassment, Hazing and Bullying Policies

BRIGHTality's Board members and owner have developed strong anti-bullying, anti-hazing and anti-harassment policies. The school's policies align with the Agency's Harassment, Hazing and Bullying (HHB) policies. Corresponding procedures will be annually reviewed by staff during in-service each August. Policies are included in student/family handbook and provided to enrolling supervisory unions/school districts. Additionally, the school prohibits photographing or video recording of any child/person.

Student Behaviors and Staff Expectations

All staff will continue to receive professional development that ensures proper management of student educational spaces and staff offices. Life Space Crisis Intervention (LSCI) programming is offered, on-site by a certified professional, to all staff. Moreover, restraints and seclusion are not utilized at BRIGHTality, instead, staff rely on implementation of effective LSCI practices for managing the classroom environment.

Program administrators have put forth great effort in creating a welcoming, soothing student and family centered educational environment. An information board is posted at the main entrance of the school. Daily and weekly program schedules are posted, as well as a set of well-established expectations regarding personal conduct and safety for staff, students, and program visitors. To date, student's behaviors have not required the use of extreme environmental management techniques requiring either suspension or expulsion. Parents or custodial family members are provided with a copy of entire program manual at the beginning of each school year including requirements of student behaviors.

All staff members are trained annually and have a thorough understanding of the program's strength-based approach toward discipline of children and youth who have varying degrees of adverse childhood experiences, and complex trauma. All training is completed taking into consideration IEPs and student personal learning plans with an eye on formulating effective transition plan objectives.

Financial Capacity

BRIGHTality submitted, with initial approval documentation, a fiscal profit and loss statement and notarized letter from the governance board. Financial projections indicate continued program solvency and ability to meet typical annual increases in program operational costs to meet educational programmatic needs, staff salaries, benefits, and general operational costs. A certified accountant has been contracted to perform payroll services for all employees, file taxes and provide annual reviews or audits as needed.

Special Education Report

SBE Rule	BRIGHTality
<p data-bbox="203 233 553 317"><u>2228.1: Essential Special Education Supports</u></p> <ul data-bbox="227 342 630 1944" style="list-style-type: none">• Ability to provide specialized instruction• Provide structured daily schedules• Training to differentiate, accommodate, modify curriculum and setting, specific to needs• Student participation in peer groupings• Facility modifications based on needs of the population• Access to related services when necessary• Assistive technology as appropriate• Support in communication for students on ASD as needed• Behavioral support: access to BCBA or similarly trained behavior personnel• Sensory-based supports• Motor planning support as necessary• Social skills support• Counseling support: clinical/trauma informed staff	<ul data-bbox="678 222 1409 2009" style="list-style-type: none">• BRIGHTality has a licensed special educator who delivers direct and indirect services to students to address IEP goals.• BRIGHTality staff provides structured daily schedules, which may be in the form of a visual schedule for those students in need of a variety of visual accommodations.• The director is currently completing professional development and certification in the Orton Gillingham approach, a direct, explicit, and structured way to teach literacy.• Teachers at BRIGHTality have a passion for teaching that is clearly demonstrated by their commitment to making content accessible. Teachers provide introduction to lessons and schedules to reduce student learning anxiety. BRIGHTality staff all use different modalities for assignment development, teaching and assessment.• BRIGHTality has formed exceptional relationships with enrolling LEAs who send students to the program and work with related service(s) providers from each student's district to ensure access to all required IEP/504 services.• Students currently engage in small group instruction with similarly aged peers and receive direct instruction within the same small academic grouping. Once approved a similar model of instruction will be utilized to provide continuity of learning.• Curriculum is very flexible and will be adapted to student's needs. Instructional staff are afforded access to rigorous professional development and frequently meet to discuss, and problem solve implementation of new methods.• BRIGHTality makes use of assistive technology (AT) such as voice recorders and word-

processing (typing instead of writing).

- Knowledge about Autism Spectrum Disorder (ASD) held by the director and behavior specialist is robust as they both come from ASD service backgrounds, and fully understand and implement best practices for this population.

SBE Rule	BRIGHTality
	<ul style="list-style-type: none"> • Restraint and seclusion are not used at BRIGHTality. When necessary, Law Enforcement is contacted to handle student aggression or elopement. Additionally, staff are investigating professional development in LSCI work, to continue the process strength-based classroom management techniques without need for restraints. • Behavioral supports during academic and other instructional classes are delivered by a behavior specialist who is not a BCBA. Her knowledge on behavior intervention around student's with autism spectrum disorder (ASD) is impressive. • BRIGHTality staff plan to LSCI throughout the program, after completion of professional development. BRIGHTality has a health and wellness teacher, on staff, who will continue to provide some "informal counseling." • Social skills are embedded in curriculum rather than taught explicitly. Those students in need of more explicit instruction, will receive additional one-on- one specialized support services. BRIGHTality does not ascribe to one pedogeological practice for social skill development, student independent social/emotional learning. The program prioritizes utilizing a variety of research-based, best practice methods and accommodates instruction to meet student IEP needs as well as "to uphold dignity and respect" of each child.

2228.2: Approved for category of disabilities

All students receiving special education services must be eligible under the disability categories for which school is approved

- BRIGHTality is not yet an approved independent school; however, the program has requested approval for the following special education eligibility areas: autism spectrum disorder (ASD), Emotional Disturbance (ED), Intellectual Disability (ID), Multiple Disabilities (MD), Other Health Impairments (OHI), Specific Learning Disabilities (SLD), and Speech or Language Impairment (SLI).
- The special education application also includes a request to serve students with developmental delays; however, the AOE review team provided technical assistance to the head of BRIGHTality explaining

SBE Rule	BRIGHTality
	that developmental delay is not an eligible category for students in grades, 5 – 12.
<p><u>2228.3: Maintenance and implementation of written policies and procedures for:</u></p> <ul style="list-style-type: none"> • <u>Admissions</u> (entrance/exit process; non- discrimination language; special educator on admissions committee) • <u>Least Restrictive Environment</u> (indication that the school is on a continuum of placement options and that placement decision for student is made by IEP team and sending LEA, with the intention of returning the student to a less restrictive environment) • <u>Discipline</u> (all due process considerations followed; Rule 4500 followed, documented, reported as necessary) • <u>Graduation</u> (indication that independent school will meet diploma, secondary transition plans, and Proficiency Based Graduation Requirements (PBGR)) 	<ul style="list-style-type: none"> • BRIGHTality’s admissions process, includes scheduling a meeting with the IEP Team, family/guardians, and if appropriate, the student to sign releases, discuss needs, and to determine if the program is an appropriate placement. The Special Education Director requests the most recent IEP, medical forms, and other supporting documentation with application. Students and a family member or guardian, tour BRIGHTality’s program with a team member from the enrolling LEA resulting in the creation of an enrollment contract. • BRIGHTality has an integration specialist who integrates kids into the program. Once a student has mastered skills, worked to close achievement gaps and is ready to return to public school, the transition specialist develops, in concert with the IEP Team members (including family/guardians) a transition plan to ensure student success. Transition relationship between BRIGHTality and the placing LEA is extended, if required for an agreed upon time. • BRIGHTality currently describes the program as transitional, with the goal to get students back to their sending school. However, regular assessment of student progress will determine transition dates or if the student needs to complete education as a fulltime BRIGHTality student or part time in both the LEA and BRIGHTality. BRIGHTality’s staff hope to achieve this by clearly defining barriers to being in public school for each student, and scaffolding supports for deliberate steps to overcome identified barriers so students may realize, if appropriate, a return to public school

<ul style="list-style-type: none"> • <u>Faculty Qualifications</u> meet state qualification for established roles; training under Rule 4500; appropriate on-boarding 	<p>classroom.</p> <ul style="list-style-type: none"> • General discipline focuses heavily on natural consequences and respectful dialogue. Restraint and seclusion are not used at BRIGHTality. When necessary, Law Enforcement is contacted to handle student aggression or elopement. The program leverages age, developmental and established IEP
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SBE Rule **BRIGHTality**

<p>and continued professional development</p> <ul style="list-style-type: none"> • <u>Faculty:Student Ratios</u> (K-3 fewer than 20 students per teacher; 4-12 fewer than 25 students per teacher) 	<p>goals in concert with curriculum to integrate classroom and behavioral management techniques that ensures each student’s individual needs and preserves dignity.</p> <ul style="list-style-type: none"> • The head of school provided AOE personnel with updated information on BRIGHTality’s graduation programs after the 11/30/2021 site review, and has verified the school’s graduation plan meets State Board and statutory grade level requirements in preparation for State Board approval. The review team can confirm students will receive four years of English language core instruction. • BRIGHTality’s special education director has Vermont licensure and will be present full time, after State Board approval. Additionally, the special educator director has a Ph.D. in math curriculum.
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2228.3: Coordinate with sending school, responsible agencies, parents regarding educational records, evaluations, IEPs, transition planning, change of placement

- Current IEP
- Most recent comprehensive evaluation
- Current behavior plan if applicable
- Documentation of communications and meetings
- Progress reporting
- Evidence of data collection regarding provision of services
- Education and non-instructional agreement with LEA
- Medication prescriptions if applicable
- Access log

- Student files were not available at this time as BRIGHTality has not yet received State Board approval to operate as a special education independent school. This section is a reflection of what was conveyed during the November 30, 2021 site visit.
- BRIGHTality works to create goals with IEP teams and provides suggestions on how to create better student goals after completion of required student reevaluations. BRIGHTality staff would like to be the ones who write the goals; however, the program currently has a good relationship with sending schools and is very involved in the IEP process. Children/youth attend IEP meetings, and help to set their own goals, when appropriate (student age, development, grade etc.).
- Teachers will create a monthly summary report that integrates IEP goal progress and skills addressed in core subjects. The special educator uses the Brigance tool/system? and does yearly pre and post monitoring of each child/youth as well as additional evaluations for consistent progress monitoring.
- BRIGHTality's intake forms align with student IEP, social-emotional and curricular goals to assist with progress monitoring.

SBE Rule	BRIGHTality
	<ul style="list-style-type: none"> At the time of the site review, BRIGHTality's Behavior Specialist has indicated that the first step, after approval, will be to observe students throughout the day, take notes of sensory triggers, consider student responses to classroom environment, and slowly introduce individualized behavioral management strategies. The behavior specialist has successfully completed Functional Behavioral Assessments (FBAs) in the past but will perform these duties post-approval.
<p><u>2228.3.2:</u> <u>Licensure Requirements</u></p> <p>Licensed special educator provides or supervises special education and related services</p>	<ul style="list-style-type: none"> Special education director has Vermont licensure. Special educator will be full time after approval. Special educator has a Ph.D. in math curriculum.

Independent & Special Education Review Team Summary

[Approval Recommendation](#)

The AOE's independent and special education review teams recommend approval of BRIGHTality's application for initial approval as an approved independent school and special education approval in the following categories: Autism Spectrum Disorder (ASD), Emotional Disturbance (ED), Intellectual Disability (ID), Multiple Disabilities (MD), Other Health Impairments (OHI), Specific Learning Disabilities (SLD), and Speech or Language Impairment(SLI). Approval is recommended for a term of two years as an initial approval.