



219 North Main Street, Suite 402
Barre, VT 05641 (p) 802-479-1030 | (f) 802-479-1835

Processes for Obtaining Approval to Serve Special Education Students in Vermont Independent Schools

Approval for independent schools, general and special education, is pursuant to 16 V.S.A § 166, and the Vermont State Board of Education (SBE) rules 2220-2227 and 2228. The latter are the rules specific to special education approval.

Please note: A prerequisite to special education independent school approval is general education independent school approval.

The following is an overview of the processes for obtaining initial special education approval or seeking an amendment to a current special education approval..

1. Application

a. Application for Initial Special Education Approval

- Visit the Agency of Education (AOE) website to access the special education application.
- Submit the completed special education application to pat.pallasgray@vermont.gov.

b. Application for Seeking an Amendment to a School's Current Special Education Approval

- Visit the Agency of Education website to access the special education application.
- Complete the application to the extent that it applies to the amendment being sought. (e.g. staffing changes related to the addition of the disability category of autism, or additional resources pertinent to the area(s) being sought.
- Submit the completed special education application to pat.pallasgray@vermont.gov.

c. Assurances in the Application

The applicant will provide assurances pursuant to VSB Rules 2228.1 – 2228.9 including;

- *A statement* that the school has in place operational policies and/or procedures in the areas of: (1) admissions, (2) least restrictive environment, (3) discipline, (4) graduation, (5) faculty qualifications, and (6) faculty-student ratios. (2228.3)
- *A statement* that the school will coordinate with sending responsible agencies, parents, public agencies and service providers by: (1) maintaining and disclosing educational records, and coordinating with LEA, (2)

participating in evaluation and IEP procedures, (3) implementing of IEPs, (4) providing written notice for a change in placement. (Rule 2228.3)

- *A statement* that the school will provide necessary staffing to support the services required by each student's IEP and a complete list of school staff with confirmation that staff meet licensing requirements to provide or supervise the provision of special education services and related supports. (Rules 2228.3.2)
- *A statement* indicating that prior to enrolling a student who is served pursuant to an IEP, the independent school will enter into a written agreement with the sending responsible agency that outlines tuition, room a board (if applicable) and other costs associated with the student's attendance. (Rule 2228.4)
- *A statement* indicating that within thirty days of enrolling a student who is served pursuant to an IEP, the independent school will enter into written agreement with the sending responsible agency as to the division of responsibility for performance of non-instructional services, including compliance with special education procedural requirements. (Rule 2228.4)

2. Site Visit:

Upon receipt and review of the completed application, an individual(s) is identified to conduct an onsite visit and a recommendation for approval or non-approval to the Agency. Vermont AOE site visit will consist of staff interviews, class or student observations, and a document review as it relates to above assurances and VSB rules 2228.3 – 2228.8 for all categories of disability for which the school is seeking approval.

3. Report and Recommendation:

After the site visit, a written report and recommendation from the AOE is forwarded to the State Board of Education, who maintains ultimate approval authority for all applications. Prior to submission of the report/recommendation to the SBE, the independent school is given an opportunity to review the document.

Note: If you have any questions, please contact pat.pallasgray@vermont.gov.



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MEMORANDUM

TO: Special Education Administrators
COPY: Superintendents, Principals, Independent School Headmasters
FROM: Rebecca Holcombe, Ed.D., Secretary of Education *RH*
SUBJECT: Placement of Students Eligible for Special Education
DATE: December 9, 2016

This memo is a reminder to special education administrators and LEAs about the responsibilities of LEAs with respect to placement of students with disabilities.

All students, including students with disabilities, need to leave school equipped with the skills and knowledge to thrive in our communities and economy. Students with disabilities are entitled to a free and appropriate public education in the least restrictive environment possible. Our goal for students with disabilities is to ensure that every student is placed in a school where s/he will experience positive social and academic relationships, receive appropriate support, and learn to the best of his/her abilities.

When a student is a member of a district that operates schools, typically IEP teams place students into the district's schools, unless extreme or unusual needs make a different placement necessary. When a district does not operate a school at some or all grade levels, and does not have a designation agreement with a receiving school, IEP teams work with families to make appropriate placement decisions. This memorandum is intended to clarify some of the rules and regulations that apply to the placement process, as well as suggest best practices for making *placement decisions* given these variables.

Again, the IEP team makes all *placement* decisions, in the least restrictive environment (LRE), based upon the individual needs for that student. The members of the IEP team include a parent, student (if applicable), LEA representative, special educator, and general education teacher. Others who know the student may be invited as needed. When discussing the student's placement in the least restrictive environment, the team must refer to the Vermont state regulations which provide specific guidance on student placement whether it is in an independent school, a publically funded high school, home schooling, or parent paid tuition to a public school outside of their district.

The following are the regulations generally pertaining to LRE in all of these environments:

2364 Least Restrictive Environment (LRE)

2364.1 General LRE Requirements (34 CFR § 300.114)

- (a) Each LEA shall ensure that:

- (1) A student eligible for special education services shall be educated with his or her nondisabled chronological age peers, to the maximum extent appropriate in the school he or she would attend if he or she did not have a disability; and
 - (2) Special classes, separate schooling or other removal of children with disabilities from the general educational environment shall occur only if the nature or severity of the child's disability is such that education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily.
- (b) Pursuant to 16 V.S.A § 2959b, the IEP team may consider the cost of the provision of special education or related services to the child if:
- (1) The IEP has been developed with the parents in accordance with Rules 2363;
 - (2) The IEP team has determined that the child's placement contained in the IEP is appropriate for the child,
 - (3) Each of the options under consideration by the IEP team for fulfilling the requirements of the child's IEP would constitute a free appropriate public education in the least restrictive environment for the child, and
 - (4) The funding mechanism for the special education service was not used to deny a free appropriate public education to the student.

2364.2 Continuum of Alternative Placements (34 CFR § 300.115)

- (a) Each LEA shall ensure that a continuum of alternative placements is available to meet the needs of children who are receiving IEP services.
- (b) The continuum shall include:
 - (1) Instruction in general education classes, special classes, special schools, independent schools, home instruction and instruction in hospitals, and residential facilities; and
 - (2) Provisions for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with general education class placements.

2364.3 Placements (34 CFR § 300.116)

- (a) The IEP team shall determine the educational placement for the child given the following:
 - (1) Educational placement refers to the provision of special education and related services rather than a specific site;
 - (2) The LEA determines the specific site of the educational placement, such as the specific classroom or specific school.
- (b) Placement decisions shall be made on the basis of the student's individual circumstances and not on the basis of the student's disability category.
- (c) Unless the IEP of a child with a disability requires some other arrangement, the child shall be educated in the school that he or she would attend if nondisabled.
- (d) Barriers to the participation of students with disabilities in the general education environment shall be addressed whenever possible by the provision of accommodations, modifications, and supplementary aids and services rather than by placement in separate programs.
- (e) A child with a disability shall not be removed from education in age-appropriate general classrooms solely because of needed modifications in the general curriculum.
- (f) In selecting the LRE, consideration shall be given to any potential harmful effect on the student or on the quality of services that he or she needs.

- (g) The placement decided upon shall be:
 - (1) Determined at least annually;
 - (2) Consistent with the other provisions of the child's IEP; and
 - (3) As close as possible to the child's home, unless the parent agrees otherwise.

For students living in a district *without a public school* at some or all grade levels, the process is the same. The IEP team makes all decisions regarding a student's placement in the least restrictive environment based upon the individual student's needs. If a parent does not agree with the IEP team decision, they have the right to file for due process pursuant to regulation 2365.1.6.2. The district has the responsibility for ensuring the conditions of LRE, and the district is liable if it does not do so. The following are the rules generally pertaining to students who are tuitioned:

2368.2 School Districts without a Public School

A school district that does not maintain a public school or has not designated, in accordance with applicable law, an approved independent school at the grade level needed by a resident student eligible for special education, shall provide the student a free appropriate public education. All special education evaluations, planning and due process procedures, as required by these rules and by federal law, shall be made available to students who are referred for a special education evaluation or who are eligible for special education and to their parents. The location for IEP services shall be determined in the following manner:

- (a) The choice of a specific school(s) appropriate to fulfill the IEP, including the requirements to educate the student in the least restrictive environment, shall be determined by a student's IEP team after the IEP is developed. If the IEP team does not reach consensus about the location of services, the LEA representative shall determine the location of services. This shall be communicated to the parents within five working days of this determination.
- (b) If the parents choose to have their child served, pursuant to his or her IEP, at a school other than that selected by the IEP team or by the LEA representative, and the IEP team agrees that the IEP can be adequately implemented at the school chosen by the parents, the following shall be applicable:
 - (1) Public School: If the parents select a public school, the LEA shall pay any special education tuition or excess costs allowed by law.
 - (2) Independent School:
 - (i) If the parents select an independent school approved for special education purposes that is generally attended by general education students that a non-special education student from the LEA could choose to attend, the LEA shall fund the actual costs associated with the parents' placement minus any costs that would accrue to the parents of a non-special education student placed at the same school.
 - (ii) If the parents select an independent school not generally attended by general education students, the LEA shall pay the actual educational costs associated with parents' placement to the amount that would have been spent on the school chosen by the IEP team provided the school selected by the parents is approved for special education in the area of the child's disability.

Placement decisions and processes must conform to the following procedures:

- Prior to placing a student at an independent school, the Local Education Agency (LEA) and Individualized Education Program (IEP) Team must determine that the independent school is approved for the student's disability category. An LEA is not permitted to place a student in an independent school if the school is not approved to provide an educational program specific to that student's disability. *T Special Education Rule 2363.10(b)(1)*.
- There **MUST** be an LEA representative at every IEP meeting. LEAs cannot designate a representative from the independent school to act as the LEA representative. *VT Special Education Rule 2363.3(a)(1)(iv)*
- IEP Teams must identify the personnel to provide specialized services to students. The provision for specialized instruction must be based on the needs of the individual student and not on the availability of services/staffing at the independent school. Independent schools can contract for necessary services specified in the IEP, and bill the district for the cost of these services.
- General education teachers cannot be identified as service providers on IEPs unless they also have a special education endorsement or are supervised by a special educator. *VT Special Education Rule 2363.7(d)* and *State Board Rule 2228.3.2*.
- Independent Schools must have a copy of the student's current IEP prior to the provision of services. *VT Special Education Rule 2363.9*
- LEAs must enter into a contract with the independent schools (prior to enrollment) identifying the specific special education services that will be provided, including the cost for the program. The Vermont Agency of Education sets a maximum allowable rate for each independent school that provides special education services. If justified, additional costs above the maximum allowable rate may be included, based on the individual needs of the student. *State Board Rule 2228.4.1*
- When an IEP Team places a student in an independent school serving a specific disability population(s), it is best practice for IEP Teams, with input from the independent school staff, to develop a reintegration plan for each student that outlines a plan for how to reintegrate the student into a more inclusive setting. The plan should identify the skills, behaviors, etc., that the student must develop in order to return to a more inclusive, less restrictive setting.
- "Day Treatment Program" is a location and cannot be considered a special education service. The service page on the IEP must identify the actual special education service (i.e. reading, math, speech/language) that the student is receiving at the independent school.



Attn: Independent Schools
219 North Main Street, Suite 402
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Approved Independent School: Special Education Application

The Approved Independent School: Special Education Application is required for all persons and entities seeking approval, renewal, or amendment in one or more Special Education Disability Categories, pursuant to State Board of Education (SBE) Rule 2222 and 2228.

All other schools seeking approval, renewal, or a General Education amendment (additional grades or ages served, etc.) must also complete and submit the Approved Independent School: General Education Application concurrently with this document.

NEASC-accredited schools seeking approval or renewal must also complete the Approved Independent School: NEASC Application.

Completing the Application

The completed application may be submitted electronically and emailed as a Word document to pat.pallasgray@vermont.gov; or may be printed, completed by hand, and sent by US mail using the above address. Please retain a copy for your records. Incomplete applications will not be processed.

Applications must include:

- A completed copy of this form; and
Any additional information about your special education programming that you think might be relevant to this application (optional—see section 7).

This application may be subject to disclosure under the Vermont Public Records Act, as codified at 1 V.S.A. § 315 et seq.

Questions about the Application Process

Please contact Pat Pallas Gray, pat.pallasgray@vermont.gov, (802) 479-1199 for assistance.

Form with sections for School Information and Head of School details, including fields for Name, Address, City/State, Zip, Website, and contact information for the Director of Special Education.

Zip:	Click here to enter text.	Fax:	Click here to enter text.
Website:	Click here to enter text.	Email:	Click here to enter text.

2. Student Enrollment: Students with Disabilities	<i>Vermont Rule 2225.3</i>
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2.1	<p>Briefly describe the school’s enrollment related to students with disabilities. This could include any or all of the following: enrollment by grade, enrollment by gender, enrollment by disability category, total enrollment, DCF-licensed maximum enrollment, or any other demographic information that would provide student enrollment insights.</p> <p>Click here to enter text.</p>
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2.2	Pursuant to Rule 2225.3, please answer the following:
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Disability Categories		Your school is currently approved to serve:	Your school is seeking approval or renewal for:
a.	Autism Spectrum Disorder	<input type="checkbox"/>	<input type="checkbox"/>
b.	Deaf/Blindness	<input type="checkbox"/>	<input type="checkbox"/>
c.	Deaf/Hearing Loss	<input type="checkbox"/>	<input type="checkbox"/>
d.	Developmental Delay	<input type="checkbox"/>	<input type="checkbox"/>
e.	Emotional Disturbance	<input type="checkbox"/>	<input type="checkbox"/>
f.	Intellectual Disability	<input type="checkbox"/>	<input type="checkbox"/>
g.	Multiple Disabilities	<input type="checkbox"/>	<input type="checkbox"/>
h.	Orthopedic Impairment	<input type="checkbox"/>	<input type="checkbox"/>
i.	Other Health Impairment	<input type="checkbox"/>	<input type="checkbox"/>
j.	Specific Learning Disability	<input type="checkbox"/>	<input type="checkbox"/>
k.	Speech or Language Impairment	<input type="checkbox"/>	<input type="checkbox"/>
l.	Traumatic Brain Injury	<input type="checkbox"/>	<input type="checkbox"/>
m.	Visual Impairment	<input type="checkbox"/>	<input type="checkbox"/>
n.	None	<input type="checkbox"/>	N/A

For AOE Use Only

<i>Reviewer Notes:</i>
<i>Requests for additional information and/or revisions:</i>

3. Special Education Policies and Procedures

Vermont Rule 2228.3

Briefly describe your **special education-specific** policies and procedures, related to the following:

3.1	Admissions: Click here to enter text.
3.2	Least Restrictive Environment (LRE): Click here to enter text.
3.3	Discipline: Click here to enter text.
3.4	Graduation: Click here to enter text.
3.5	Faculty Qualifications: Click here to enter text.
3.6	Faculty/Student Ratios: Click here to enter text.

For AOE Use Only

Reviewer Notes:

Requests for additional information and/or revisions:

4. Coordination of Services

Vermont Rule 2228.3.1

Pursuant to SBE Rule 2228.3.1, independent schools are required to coordinate with sending responsible agencies, parents, public agencies, and other service providers serving students, in order to support the goals described below. Briefly describe school policies and/or procedures related to the coordination of:

4.1	Maintaining educational records: Click here to enter text.
4.2	Disclosing student’s educational records to the responsible sending agency and students’ parents: Click here to enter text.
4.3	The development of IEPs: Click here to enter text.
4.4	The implementation of IEPs: Click here to enter text.
4.5	The evaluation of IEPs: Click here to enter text.
4.6	Providing prior notice to the sending LEA regarding the need for a change in the student’s program or placement, including long-term suspension or expulsion: Click here to enter text.

For AOE Use Only

Reviewer Notes:

Requests for additional information and/or revisions:

5. Special Education Staff

Vermont Rule 2228.3.2

Please complete Table 5 (at the end of this form) related to any staff members who:

- Provide special education and/or related services
- Supervise the provision of special education and/or related services

For AOE Use Only

Reviewer Notes:

Requests for additional information and/or revisions:

6. Assurances

Vermont Rules 2228.3 and 2228.4

Head of School: please sign below to assure the State Board of Education that:

1. Table 5 represents a complete list of your school’s current professional staff members providing or supervising the provision of special education services and related supports. (Rules 2228.3(5) and 2228.3.2);
2. Evidence of Vermont professional licensure for each staff member listed in Table 5 will be available for review by the AOE, upon request (Rule 2228.3.2). Evidence of VT professional licensure may include either a print screen from the AOE Licensing Database or an actual copy of the current license;
3. Prior to enrolling a publicly-placed student who is served pursuant to an IEP, your school will enter into a written agreement with the sending responsible agency that outlines tuition, room and board (if applicable), and other costs associated with the student’s attendance. For students who are on an IEP who are placed by a state agency or a designated community mental health agency, or any agency defined by the Secretary, in accordance with 16 VSA §2948, the agreement shall be with the Secretary of Education. In the instance of an emergency placement, such provisions may be agreed upon within thirty days of the student’s enrollment (Rule 2228.4);
4. Within thirty days of enrolling a publicly-placed student who is served pursuant to an IEP, it will enter into written agreement with the sending responsible agency as to the division of responsibility for performance of non-instructional services, including compliance with special education procedural requirements. For students placed by a state agency or a designated community mental health agency, or another agency defined by the Secretary, this agreement shall be with the local education agency that has educational planning responsibility for the student (Rule 2228.4).

Name: Click here to enter text.

Signature: Click here to enter text.

Date: Click here to enter text.

7. Additional Special Education Information (Optional)

While optional, it is recommended that the school provides a list reflecting the continuum of supports and services your school offers for special education students (i.e. behavioral interventionists, social skills training, vocational training, adaptive PE). This provides the AOE Team a broader view of the school in supporting students with disabilities.

Reviewer Notes:

8. Signatures

Head of School: by signing below, I hereby affirm I am an authorized officer or administrator of the applying school, and certify the information contained herein is true and accurate to the best of my knowledge.

Name: [Click here to enter text.](#)

Signature:

Date: [Click here to enter text.](#)

For AOE use only

This school has met all of its state requirements to be approved or renewed for the requested special education endorsement(s), and is ready to proceed to the SBE for review.

Name: _____

Initial: _____

Date: _____



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VTAOE Independent School Team

IEP/504 File Review Form

Name of Independent School:

Date of Review:

Student Name:	DOB:	Grade:
Name of Sending School:	Child Count # if available:	
Responsible LEA:	Case Manager for LEA:	
Disability:	Is the school approved for this disability category? <div style="text-align: right;">Yes No</div>	

Does the student have a current 504 plan that provides for specialized instruction? **Yes No**
 Does the student have a current IEP plan that provides for special education services? **Yes No**

IEP Meeting Date:	Were all of the IEP members in attendance? If no, which required member is missing?	Yes No
Revision Date(s):		
All current required special education forms are in the file? <div style="text-align: right;">Yes No</div>		

	Yes	No	NA
Are there reintegration goals (R) for those in residential placements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the student have a specific behavior plan in place (if appropriate)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the student have a Post-Secondary Transition Plan (if appropriate)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is there evidence that responsible LEAs and parents receive progress reports?	<input type="checkbox"/>	<input type="checkbox"/>	
Were all of the student's needs addressed in the IEP?	<input type="checkbox"/>	<input type="checkbox"/>	
Are the goals aligned with the services provided? If not, what else should be considered?	<input type="checkbox"/>	<input type="checkbox"/>	
Is there evidence that the student's goals are measurable?	<input type="checkbox"/>	<input type="checkbox"/>	
Are services in the IEP deliverable at the independent school? If not, how are services delivered?	<input type="checkbox"/>	<input type="checkbox"/>	

Please complete or attach a copy of the services page from the IEP

Special Education Services	Staff	Location	Duration (min)	# Sess.	Freq.	Group Size
Related Services	Staff	Location	Duration (min)	# Sess.	Freq.	Group Size
ESY Services	Staff	Location	Duration (min)	# Sess.	Freq.	Group Size

Is the LRE correct? If not, what should it be?	Yes	No
Is there information on accommodations for Smarter Balanced Assessment or need for Dynamic Learning Maps?	Yes	No
Notes:		
Confidentiality	Yes	No
Was there an access log placed in the front of the student's file?	<input type="checkbox"/>	<input type="checkbox"/>
Are student files located in a secure location?	<input type="checkbox"/>	<input type="checkbox"/>
Was there personally identifiable data about another child or student in this file?	<input type="checkbox"/>	<input type="checkbox"/>
If medications are administered on the premises, are they appropriately secured?	<input type="checkbox"/>	<input type="checkbox"/>
	Added	<input type="checkbox"/>

Other:

INDEPENDENT SCHOOL: _____

CONTACT PERSON: _____

DATE (s) OF SCHOOL VISIT: _____

VT AOE STAFF MEMBER(s): _____

SPECIAL EDUCATION APPROVAL OF INDEPENDENT SCHOOLS

Below are references to statutes, and summaries, related to the State Board of Education rules for Independent Schools who want to be approved for special education. ***Note: Schools must have general independent school approval before being approved for special education.***

2228.1 Independent School must obtain general independent school approval and also receive approval for special education, which may be limited to one or more categories of disability, according to the services the school provides.

MINIMUM REQUIREMENTS MET			COMMENTS
Disability Category Approval	Current	New	
Autism Spectrum Disorder			
Deaf-Blindness			
Developmental delay			
Emotional Disturbance			
Hearing loss			
Intellectual disability			
Multiple disabilities *			
Orthopedic impairment			
Other health impairment			
Specific learning disability			
Speech language impairment			
Traumatic brain injury			
Visual impairment			

* Must also hold approval in the individual categories that make up the student's multiple disabilities.

2228.3 Independent School maintains written policies or procedures in at least the following areas:

MINIMUM REQUIREMENTS MET	YES	NO	??	N/A	COMMENTS
Admissions					
Least Restrictive Environment					
Discipline					
Graduation					
Faculty Qualification					
Faculty-Student Ratios					

2228.3.1 In order to obtain special education approval, an independent school shows satisfactory evidence for implementation of written policies or procedures, and coordination with LEAs, parents, and outside agencies or service providers.

MINIMUM REQUIREMENTS MET	YES	NO	??	N/A	COMMENTS
Maintains educational records (confidentially)					
Discloses educational records to LEA and parents					
Participates in evaluation process					
Participates in development of IEPs					
Participates in reintegration plans					
Participates in transition services					
Implements IEPs as written					
Provides prior notice to LEA regarding change of placement including long-term suspension or expulsion					

2228.3.2 An independent school shall satisfy the state licensure requirements for personnel who are responsible for the provision or supervision of special education and related services.

MINIMUM REQUIREMENTS MET	YES	NO	Prov	N/A	COMMENTS
Licensed Special Educators					
Supervision of Staff					
Licensed Related Service Providers					
Supervision of Staff					

2228.4 Written Agreements Required with the LEA which outlines the following:

MINIMUM REQUIREMENTS MET	YES	NO	??	N/A	COMMENTS
2228.4.1 Agreement as to Costs					
Within 30 Days of Enrollment					
Tuition associated with attendance					
Residential Room/Board Costs					
Emergency Placement					
2228.4.2 Agreement as to Non-Instructional Services					
Division of Responsibilities					LEA remains educationally responsible based upon LEA determination chart
Compliance with Spec Ed Req.					
State Placed Student					
Mental Health Agency Placement					
Other Agency Placement					

**AGENCY OF EDUCATION
Barre, Vermont**

TEAM: School Finance

ITEM: Will the State Board of Education grant renewal of general and special education independent school approval, to serve students ages 5-22 in grades K-12 within the disability categories of Intellectual Disability, Specific Learning Disability, Emotional Disturbance, Speech or Language Impairment, Other Health Impairment, Developmental Delay, Autism Spectrum Disorder, Multiple Disabilities, and Traumatic Brain Injury, to The New School of Montpelier in Montpelier and West Glover, Vermont?

RECOMMENDED ACTION:

That the State Board of Education grants renewal of general and special education independent school approval, to serve students ages 5-22 in grades K-12 within the disability categories of Intellectual Disability, Specific Learning Disability, Emotional Disturbance, Speech or Language Impairment, Other Health Impairment, Developmental Delay, Autism Spectrum Disorder, Multiple Disabilities, and Traumatic Brain Injury, to The New School of Montpelier in Montpelier and West Glover, Vermont. This approval is for five years, through June 30, 2021.

Approval is subject to the condition that the school immediately report to the Agency Education whenever any changes occur in enrollment, program, policies, facilities, financial capacity, staffing, or administration, during the approval period.

STATUTORY AUTHORITY: Title 16 V.S.A. §166(b)
State Board Rule: 2228 et. seq.

BACKGROUND INFORMATION:

The New School of Montpelier, Inc. (NSM) is an independent day facility providing educational, therapeutic, and reintegration services for male and female students in ages 5-22 in grades K-12. The school was founded in 2005 and is located adjacent to the Vermont College of Fine Arts in Montpelier. A second site in West Glover is opening in August of 2016, to serve a maximum of eight students ages 5-22 in grades K-22.

Accepted students are in need of intensive specialized services in a self-contained classroom and living environment due to physical, emotional, cognitive, and behavioral challenges that cannot be appropriately addressed in their public schools. The Core Purpose of the school is to provide a safe, therapeutic, effective educational program coupled with clinical support for all students. The New School is owned by a cooperative of faculty and board members that serves as effective leadership for the institution. The unique nature of this governance system cannot be understated as it is the only one like it in the state of Vermont, and among very few known schools in the country.

Peter B. Gilmore visited the school on behalf of the Agency on June 6, 2016.

GENERAL EDUCATION: REPORT OF FINDINGS

1. The descriptions of the school in the application, on the admissions brochures, and on the website are accurate. The Core Purpose, Core Values, and Philosophy of the school are clearly presented on the website and serve as the guides for all aspects of life at the school. These tenets are reviewed regularly during the school year and discussed openly by all faculty and staff.
2. The course of study is highly individualized to student needs and is adequate to meet the educational purposes of the school. The school provides a minimum course of study that is age and ability appropriate, and it is presented in a highly individualized way. The school makes available the support services necessary to meet the requirements of a minimum course of study and its educational purposes including (a) library services through books on site, proprietary communications software, and guided access to the internet, (b) administrative services and facilities including on-site administrators, computer databases for tracking information, emergency and safety plans, set schedules, etc., (c) counseling services including on-site counselors, therapists etc. and (d) a system of record keeping both electronic and paper that are stored in safe, inaccessible files in the cloud and/or on site. All students are on IEPs and the sending school LEAs work with The New School staff to devise and implement IEPs yearly or as needed. Students are not often reintegrated into public school programs after their time at the New School, and many finish out their basic education there after developing life, work, and communication skills. At each of the three levels, (Radio Flyers, Bridge, Transition) the school uses a holistic team approach to educating students and according to the staff interviewed, it is highly effective. This course of study and support resources will be available to the students in West Glover as well.
3. Although located on one campus in Montpelier, the school uses multiple buildings and functions administratively from the main house on West Street. This building is owned by the founder of the school (now retired) and is leased to the institution. The other two leased self-contained school buildings have the classrooms and facilities necessary to carry out their respective mission and programs. There is enough space within these areas for the students to enjoy common and classroom environments, and each of the teachers and administrators has sufficient office/working space as well. The buildings meet relevant health and safety standards as represented by updated certificates of inspection. One of the facilities has a built in kitchen area for teaching life skills. There is emergency, safety, and evacuation plans for each building. Overall the campus is an effective facility is kept up with regular maintenance as necessary.

The New School site in West Glover is located in a renovated barn. It is 2500 square feet on two floors with a second egress. The building houses a large classroom, three small tutorial spaces, a full kitchen with open meeting/classroom space, two bathrooms with one with a shower, and office space. The first floor is fully accessible. Students will not be served at this facility until the fire alarm system is inspected and the Division of Fire Safety has conducted another inspection and issued a Certificate of Occupancy (CO). The AOE Special Education Consultant who visited this facility on Monday, July 25, 2016, described it as "...recently renovated, bright, clean and the amount of space is appropriate for the number of potential students. The space has the resources to provide academic, behavioral, and community education as well as the opportunity for kinesthetic movement and exercise. The design, layout and organization of the space is flexible and

conducive for teaching a wide range of students and for creating a variety of working environments.”

4. The school employs a professional staff in sufficient number who are qualified by training and experience in the areas in which they are assigned. All the general education staff has at least a bachelor's degree in their field of instruction and some hold Masters Degrees in related areas. Upon interview, the long term staff at NSM proved to be experienced, dedicated, professionals. They each have certifications applicable to the needs of the students and experience teaching the age groups they encounter. Staff appropriately oversees the students during the entire school day never allowing students to venture off on their own. Teachers and professional staff work in highly effective teams at NSM, and bring a wealth of experience, education, and dedication to their work. The meetings witnessed showed that the care and education of the students was at the very core of their efforts. The professional development at NSM is appropriate to the techniques used with the students. The staff at NSM West Glover will include a Program Director, who is licensed in special education and special education administration, a teacher/special education, and a behavior specialist.
5. The back office administrative systems at NSM are secure and appropriate for the running of the organization at both sites. On and off-site databases serve as secure storage for admissions and contact information, daily attendance along with all biographic information on students and families, academic records, immunization records, performance tracking, etc. The school employs a Business Manager who maintains an accounting system of accounts payable, accounts receivable, budget tracking, and payroll. There is a yearly budgeting process that involves the main administrators with input from the staff. Review of a recent budget and other financials was not made available, but conversations with the former owner, Business Manager, current administrators, and individual faculty assured that all is financially intact at the school.
6. NSM's program in Montpelier is a year-round educational school. The program in West Glover will be a school-year program, with extended year services available if needed or desired.
7. The governance of this institution is an element in the life of the school that is not to be overlooked. Employee ownership through limited memberships is the basis of an elaborate system for governing that is highly unusual yet apparently quite effective. Memberships are purchased by faculty and maintained during their employment. The members comprise the Board that is responsible for financial oversight, strategic planning, and the hiring/nurturing of the Director. “The Board runs the business, and the Director runs the school” is a favorite phrase. This system seems to work well, provide incentives for the teachers/staff, and allows the employees direct input into the running of the school.

The New School of Montpelier is an organization that is committed to serving this very needy population of students in an individualized yet holistic way. There were many stories of successful students reintegrating with their public schools or “graduating” and moving on to adult programs. The staff spoke of loving their professions and many spoke of feeling a strong sense of purpose in their jobs as well as wonderfully strong support from the organization. The environment in which they teach is at times intense, but again, they all spoke of feeling happy to work there. The staff is held to high standards and they know what is expected of them. It is

easy to see how this quality approach to education reflects the hard work of these dedicated professionals, and how it flows to the children and families in their care.

This school, with its effective programs and especially its unique system of governance is a model of creativity for all education in the state of Vermont. It demonstrates the value of independent schools to be beacons of change in education, and shows that new and successful ideas can happen when educators are given the freedom to devise and implement them.

SPECIAL EDUCATION REPORT OF FINDINGS:

The New School is seeking re-approval as an independent day school in the areas of Specific Learning Disability, Speech or Language Impairment, Traumatic Brain Injury, Developmental Delay, Autism Spectrum Disorders, Other Health Impairment, Emotional Disturbance, Intellectual Disability and Multiple Disabilities. The New School's main campus is located in Montpelier, Vermont and is utilizing three separate building spaces for their "pods." The three pods are Radio Flyers (elementary and middle school students with severe behaviors, trauma backgrounds, and different learning styles), Bridge Pod (children of all ages with autism and complex communication) and Transition Pod (secondary and transition age students typically with cognitive delays). The focus of the pods changes periodically depending on the needs of the population of students. The New School currently serves 21 students. Due to the intensive nature of the population served, each student is supported by an individualized education program behavior plan, transition plan, academic as well as life skills and community development curriculum and staffing support as needed.

The New School was visited by Vermont Agency of Education staff on 5/25/16. Agency employees interviewed The New School's staff, toured facilities, observed staff/student interactions and reviewed student files and IEPs. Observations and file reviews were conducted for students diagnosed with: Other Health Impairment, Autism Spectrum Disorders, and Emotional Disturbance, Multiple Disabilities and Speech or Language Impairment. The staff was engaging, knowledgeable, cooperative and professional. The facilities were clean, the amount of space was appropriate for the number of students enrolled and organized as needed for the individual needs of the students. The New School staff reported a positive and collaborative working relationship with Local Educational Agencies (LEAs) to support the student's educational programs, although did note that paperwork, especially corrections and updates are not always provided in a timely or accurate manner.

The New School is also requesting approval for another school site in West Glover, VT. This site was visited by a Special Education Consultant from the Agency of Education on Monday, July 25. At this visit, the Consultant was also able to meet with the Program Director for this site as well as one of the Co-Directors of The New School. Comments from the Special Education Consultant on the facility in West Glover are included above under GENERAL EDUCATION REPORT OF FINDINGS: # 3.

Staff professional development and training take the form of new hire training in general teaching and behavioral principals, as well as ongoing support and observations from supervisory staff. All staff receives crisis prevention and emergency response guidelines through Handle With Care®. Staff reported feeling supported with on the job training with specific students and behavior plans as well as on-going feedback during observations and meeting times.

The following rules were reviewed for compliance:

2228.1 – MET– The New School demonstrated the policies, procedures and staff training to support students in the disability categories of Specific Learning Disability, Speech or Language Impairment, Traumatic Brain Injury, Developmental Delay, Autism Spectrum Disorders, Other Health Impairment, Emotional Disturbance, Intellectual Disability and Multiple Disabilities.

2228.3 – MET – Observed written policies and/or procedures in the areas of: (1) admissions, (2) least restrictive environment, (3) discipline, (4) graduation, (5) faculty qualifications, and (6) faculty-student ratios.

2228.3.1 – MET – Evidence of maintenance of (1) educational records, and coordination with LEA and parents through data and file review, (2) participation in evaluation and IEP procedures through IEP review, (3) implementation of IEPs through progress reporting and behavioral data.

2228.3.2 – MET – Special education teachers, speech-language pathologists, and occupational therapists were licensed by appropriate local state agencies. All current staff has completed the requirements outlined in Rule 4500 as related to training for staff involved in restraint and seclusion protocols.

2228.4 – MET – Policies, procedures and written agreement outline tuition and establish division of legal responsibilities with regards to students on IEPs.

Based on the rules for Special Education Approval for Independent Schools, The New School has met the minimum requirements for independent school approval.

COST IMPLICATIONS: none

STAFF AVAILABLE:

Cassandra Ryan, Finance Analyst
479-8545