

AGENCY OF EDUCATION
Barre, Vermont

TEAM: School Finance

ITEM: Will the State Board of Education grant renewal of general independent school approval and special education independent school approval, for students in grades 9-12, within the disability categories of Intellectual Disability, Specific Learning Disability, Visual Impairment, Hearing Loss, Speech or Language Impairment, Orthopedic Impairment, Other Health Impairment, Emotional Disturbance, Autism Spectrum Disorder, Deaf-Blindness, Multiple-Disabilities, and Traumatic Brain Injury, to Lyndon Institute in Lyndon Center, VT based upon the review by the Agency of Education and notification of continued New England Association of Schools and Colleges (NEASC) accreditation?

SECRETARY'S RECOMMENDED ACTION:

That the State Board of Education grant renewal of general independent school approval and special education independent school approval, for students in grades 9-12, within the disability categories of Intellectual Disability, Specific Learning Disability, Visual Impairment, Hearing Loss, Speech or Language Impairment, Orthopedic Impairment, Other Health Impairment, Emotional Disturbance, Autism Spectrum Disorder, Deaf-Blindness, Multiple-Disabilities, and Traumatic Brain Injury, to Lyndon Institute in Lyndon Center, VT based upon the review by the Agency of Education and notification of continued New England Association of Schools and Colleges (NEASC) accreditation, for a four-year term through June 30, 2023; and

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 Rule 2228 et seq

BACKGROUND INFORMATION:

1. Lyndon Institute (LI) is an independent high school which serves both day and boarding students from 24 area towns/villages, 20 countries, and several states.
2. Lyndon Institute is accredited by the New England Association of Schools & Colleges

(NEASC), which is an accrediting body recognized by the State Board of Education pursuant to SBE rule #7320. Other than routine annual reports, the next major responsibility regarding accreditation will be the decennial visit in 2023.

3. NEASC, as part of its accreditation review, assessed financial capacity. The applicant has satisfied NEASC's requirements, and the Agency recommends that the State Board support NEASC's findings of adequate financial capacity for the purposes of State Board approval.
4. Lyndon Institute has a policy on the prevention and reporting of harassment, hazing, and bullying which is as stringent as the Agency's model policy.

FISCAL IMPLICATIONS: none

STAFF AVAILABLE:

Cassandra Ryan, Fiscal and Regulatory Compliance Coordinator

Independent School Special Education Review Report

REPORT

**February 4,
2019**

Lyndon Institute

**Submitted by
Special Education Review Team**



Approval Recommendation

Four year special education approval in the disability categories of: autism spectrum disorder, deaf/blindness, hearing loss, emotional disturbance, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, visual impairment. Lyndon Institute also applied for approval in developmental delay, but the age requirements for developmental delay do not align with the grades and ages served, or curriculum provided by Lyndon Institute.

Note on Approval:

The AOE recommends that Lyndon Institute ensure implementation of the following prior to its next review:

- a) Consistent ongoing documentation system to confirm delivery of all IEP services, including case management services. The documentation system for all services should include;
 - a. Name of student
 - b. Specific service provided
 - c. Service provider
 - d. Date of service
 - e. Time/length of service

Rationale

On the date of the visit (11/2/18), Lyndon Institute was missing a data and documentation system to confirm future Individualized Education Plan (IEP) service delivery. Based on post-visit submissions (dated 11/27/18) from Lyndon Institute, the Agency of Education finds that the submitted documentation alleviates the majority of documentation concerns and therefore recommends a four-year approval for Lyndon Institute. The Agency will review in four years to ensure these recommendations are implemented systemically.

School Description

Lyndon Institute is seeking approval in the disability categories of: autism spectrum disorder, deaf/blindness, hearing loss, emotional disturbance, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, visual impairment. According to the submitted application Lyndon Institute currently educates 445 students with 76 students served on IEPs.

Review Description

Lyndon Institute, located in Lyndon Center, Vermont, was visited by Agency of Education staff on November 2th, 2018. During the visit, Agency staff interviewed employees, toured facilities, reviewed student files, policies, procedures and lesson plans, and observed student/teacher interactions and instruction.

Review Findings

2228.1 – Lyndon Institute demonstrated the policies, procedures, and staff training to support students in the disability categories of; autism spectrum disorder, deaf/blindness, hearing loss, emotional disturbance, intellectual disability, multiple disabilities, orthopedic impairment,

other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, visual impairment.

2228.3 – Lyndon Institute demonstrated 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 – Lyndon Institute did not demonstrate sufficient evidence in all of the following; minimum maintenance of (1) educational records, and coordination with LEA, (2) participation in evaluation, and IEP procedures, (3) implementation of IEPs.

Note on Evidence

At the time of the review Lyndon Institute did not provide a system that would allow the confirmation of IEP service delivery. Supplementary materials provided (11/27/18) documentation for the majority of services present on reviewed IEPs. Services such as Case Management we unable to be confirmed.

2228.3.2 – Lyndon Institute meets expectations regarding licensed staff. Special education teachers were licensed by the Agency of Education.

2228.4 – Lyndon Institute demonstrated policies, procedures, and written agreements outlining tuition and establishment of the division of legal responsibilities with regards to students on IEPs.

Addendum (3/22/2019)

Based on feedback from Lyndon Institute on the initial reported findings, the Independent School Review team offered Lyndon Institute an additional opportunity to provide documentation of service delivery. Documentation received 3/21/19 provided additional clarity on certain related services but did not provide enough evidence to confirm all outstanding items. In some cases, it provided direct evidence that IEP services were not being implemented as written. The totality of evidence provided does not enable confirmation of all service expectations listed on student IEPs, nor does it represent a cohesive system for service review. As such the recommendation for four years remains.

Questions: Contact Chris Kane at chris.kane@vermont.gov

Responses from the LI Head of School to the original special education report sent to the school, and the school's response to the special education report after the addendum was added.

6/7/19:

Response from LI Head of School to sped report with addendum.

Thank you sending along the addendum. We do not wish to respond at this time.

All the best,

Twila

2/28/19

Response from LI Head of School to sped report:

Thank you for sending the report. I am disappointed that we did not measure up to expectations this time around. I have included the comments from my Special Education Director when I reviewed the results with her. I know that we are all working with new people and are stretched rather thin.

However, in terms of the "Note on Approval" and section 2228.3.1 I would say that we were not provided with a list of documents that Chris wanted to see when he came, therefore I did my best to have as much as possible available. The evidence for documenting the majority of services turned out to simply be the Case Manager's schedule. In section 2228.3.1 Notes on Evidence it states that "services for case management were unable to be confirmed." I am guessing that providing a list of caseloads for each case manager would suffice. It would have been helpful for the AOE to provide a list of "evidence" they were looking for in advance:

ie:

- Documentation of special education service provided
- Evidence of case management
- etc

Twiladawn Perry

Head of School

Lyndon Institute

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