

**AGENCY OF EDUCATION**

**Barre, Vermont**

**TEAM: School Finance Team**

**ITEM:** Will the State Board of Education grant renewal of general education and special education independent school approval to serve students ages 11-22 in the disability categories of autism spectrum disorder (ASD), emotional disturbance (ED), intellectual disability (ID), multiple disabilities (MD), specific learning disability (SLD), traumatic brain injury (TBI), other health impairment (OHI), speech or language impairment (SLI) and the additional disability category of developmental delay (DD) to LiHigh School in Poultney, Vermont?

**ACTING SECRETARY'S RECOMMENDED ACTION:**

- 1. That the State Board of Education grant renewal of general education and special education independent school approval to serve students ages 11-22 in the disability categories of autism spectrum disorder (ASD), emotional disturbance (ED), intellectual disability (ID), multiple disabilities (MD), specific learning disability (SLD), traumatic brain injury (TBI), other health impairment (OHI), speech or language impairment (SLI) and the additional disability category of developmental delay (DD) to LiHigh School in Poultney, Vermont for a term ending on June 30, 2023.**
- 2. That the school report to the Agency of Education within five business days any change in enrollment, programs, policies, facilities, financial capacity, staffing, or administration during the approval period.**

**STATUTORY AUTHORITY:** 16 V.S.A. § 166

**REGULATORY AUTHORITY:** State Board of Education Rule 2228

**BACKGROUND INFORMATION:**

1. An independent school may operate and provide elementary education or secondary education if it is approved by the State Board of Education.
2. The State Board of Education (SBE) 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). Only independent schools that are approved by the SBE may receive public tuition dollars.
3. LiHigh School is seeking renewal of general and special education approval.
4. The Secretary appointed a Review Team to visit the school and make a recommendation as required by SBE Rule 2222. Because LiHigh School is seeking approval to provide both

general education and special education services, the Review Team's recommendation consists of two parts.

5. The School enrolls a maximum of 50 students throughout a variety of programs, divided into general education and special education.
6. At the time of the general education review (May 9, 2017), LiHigh School had 29 Vermont students.

## GENERAL EDUCATION REPORT

Brian Morgan performed the general education portion of the review. He recommended approval for five years based on a report date of May 9, 2017. In summary, Mr. Morgan found that: the facility meets all state and federal health and safety regulations and the main building is handicapped accessible; the school provides a minimum course of study as required by 16 V.S.A § 906 and adapts it to the ages and abilities of the students, general education students are required to take courses in junior and senior years at Green Mountain College; the school has the resources, including financial capacity and staff, to meet its objectives; the health safety attendance and assessment records are in good order; the operating schedule meets public school requirements; and the school has a policy on prevention of harassment as stringent as the agency's model policy. Mr. Morgan's report is attached hereto.

## SPECIAL EDUCATION REPORT

LiHigh is seeking re-approval in the areas of; autism spectrum disorder (ASD), emotional disturbance (ED), intellectual disability (ID), multiple disabilities (MD), specific learning disability (SLD), traumatic brain injury (TBI) and other health impairment (OHI). LiHigh is also seeking initial approval in speech or language impairment (SLI) and developmental delay (DD).

An Agency of Education employee performed the special education portion of the review. His report confirms that the school meets the requirements of the Board's rules, e.g., appropriate policies, procedures, resources to support students in the disability categories applied for, the special educator providing special education services is provisionally licensed by the Agency of Education.

During this visit, the Agency employee interviewed staff, toured facilities, observed staff/student interactions and reviewed student files and IEPs. Comprehensive file reviews were conducted for 3 of the 21 Vermont students enrolled. The reviewer was unable to confirm special education services due to the documentation missing one or more of the following:

- i. Name of student
- ii. Name, title, and licensure status of provider
- iii. Duration of service, including date and time
- iv. Type of service provided

v. Signature or initials of individual providing the service

The report notes that information LiHigh School provided to the AOE after the visit confirms these issues have been addressed through changes in LiHigh's documentation system. As such, the special education reviewer determined it appropriate to recommend approval but for only three years. The Agency's special education report is attached hereto.

**SUBSEQUENTLY RECEIVED INFORMATION**

Per SBE Rule 2222.2, the applicant shall be provided with the review reports and have 30 days to respond before the Secretary make her/his determination. On March 19, 2018 the Greg Rosenthal Director for LiHigh School submitted his response to Secretary Holcombe. In his response, Mr. Rosenthal confirmed that the school had addressed the IEP documentation issues and requested a five-year approval. Mr. Rosenthal also expressed concern at the length of the review process. Mr. Rosenthal's response letter is attached hereto.

**SECRETARY'S RECOMMENDATION AND RATIONALE:**

**Recommendation**

The Secretary recommends that the State Board of Education approve LiHigh School's application for renewal of approval for general and the requested special education categories for a term expiring June 30, 2023.

**Rationale**

After reviewing the general education report, the special education report, LiHigh's response, and receiving further information from the agency reviewer, Acting Secretary Bouchev recommends approval for a term of five years. Renewal is recommended for the maximum term of 5 years. Although there was a finding with regard to the school's failure to adequately document special education services in accordance with SBE Rule 2228.3.3, Agency staff confirmed that the failure noted was in the nature of an oversight and in general that the school maintains very good records.

**STAFF AVAILABLE:**

Molly Bachman, General Counsel  
Cassandra Ryan, Fiscal and Regulatory Compliance Coordinator