

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 in grades K-12 in the disability categories of autism spectrum disorder (ASD), developmental delay (DD), emotional disturbance (ED), specific learning disability (SLD), and other health impairment (OHI) to East Meadow School in Morrisville, Vermont?

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 in grades K-12 in the disability categories of autism spectrum disorder (ASD), developmental delay (DD), emotional disturbance (ED), specific learning disability (SLD), and other health impairment (OHI) to East Meadow School in Morrisville, Vermont for a term ending on June 30, 2020.**
- 2. That the school immediately report to the Agency of Education 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 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 private schools that are approved by the SBE may receive public tuition dollars.
3. East Meadow 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 East Meadow School is seeking approval to provide both general education and special education services, the Review Team's recommendation consists of two parts.

5. East Meadow School is a day treatment program that serves male and female students in grades K-12. It is one of five schools operated by Northeastern Family Institute (NFI) of Vermont. NFI's regional director oversees the budget process for the school and the school's director who in turn oversees the daily operation of the school.
6. The School serves students with emotional, behavioral, social and academic needs.
7. At the time of the special education review (April 27, 2017), East Meadow School had 18 Vermont students.

GENERAL EDUCATION REPORT

1. Brian Morgan performed the general education portion of the review. He described the school facility as a single story, recently constructed building with three (beautifully decorated) classrooms, two sensory rooms, two self-care rooms, a kitchen and a computer lab, three administrative offices, a conference room, and a waiting room. Outdoors there are two play structures and facilities for four-square and basketball. The facility meets all state and federal health and safety regulations and is handicapped accessible.
2. The reviewer found that the minimum course of study as required by 16 V.S.A. § 906 is provided and adapted to the age and abilities of students. He found that each student has an IEP with one of the five sending local education agencies and is able to maintain progress and often graduate from the sending school. The curriculum is intended to challenge the individual learning needs of all students.
3. Academic instruction and therapeutic services happen in small group settings but students also work independently much of the time. The operating schedule includes total hours equal to hours required by public schools.
4. At the time of the general education review in May 4, 2017, East Meadow School had 16 students in grades 1-12 and employed three classroom teachers, one licensed special educator, three classroom counselors, one school-based clinician, three one-to-one individual aides, and one office manager.
5. The school's most recent audit indicated that the school is on sound financial footing.
6. The school's health, safety, fire and evacuation drill, attendance and assessment records were in good order.
7. The school has a policy on prevention of harassment that comports with the Agency's model policy. It also maintains admission, discipline and other policies.
8. The reviewer concluded that the school had the resources, including financial capacity and qualified staff, to meet its objectives.

SPECIAL EDUCATION REPORT

9. Agency staff that performed the special education review visited the school on April 27, 2017. The reviewer interviewed staff, toured the facility, observed staff/student interactions, and reviewed student files and IEPs. The reviewer also conducted

comprehensive reviews of four of the 18 Vermont students attending the East Meadow school as of that date.

10. East Meadow had policies, procedures, staff training and resources to support students in the disability categories of ASD, DD, ED, SLD, and OHI at the time of the visit.
11. The reviewers found that the school had written policies or procedures for admissions, least restrictive environment, discipline, graduation, faculty qualifications and faculty-student ratios. The school's files also demonstrated the minimum maintenance of educational records and coordination with LEA and parents, participation in evaluation and IEP procedures, IEP implementation.
12. Based on the review of four IEPs, the reviewer was unable to confirm that the school had provided certain services. Specifically, the amount of time for one-on-one services listed as "full day" did not match the length of the school day on three different IEPs and documentation was missing for career exploration, clinical service, case management, treatment of social/ emotional issues.
13. The reviewer did not immediately write the special education report, allowing the school time to address the deficiencies noted above, which it did through changes in documentation format.
14. During the interim between the visit and report date, East Meadow lost its only licensed special education teacher. That teacher had only a provisional license that expired on June 20, 2017. At the time the report was written – September 20, 2017 – a licensed teacher had not been hired and East Meadow School did not employ a special educator.

SUBSEQUENTLY RECEIVED INFORMATION

15. On January 12, 2017 the Program Director for NFI East Meadow School wrote to Secretary Holcombe to inform her "[a]s of Monday January 15, 2018 East Meadow School will have a Vermont licensed special education teacher on a full time basis."
16. Agency records show that the special education teacher hired, Helen Muir, is in fact licensed with Level I endorsements for Elementary Education and Special Education. Her licensure expires on June 30, 2020.

SECRETARY'S RECOMMENDATION AND RATIONALE:

Recommendation The Secretary recommends that the State Board of Education approve East Meadow School's application for renewal of approval for general and the requested special education categories for a term expiring June 30, 2020.

Rationale SBE Rule 2228.3.2 provides that "[a]n independent school shall satisfy the state licensure requirements for personnel who are responsible for the provision for supervision of special education and related services." As the special education reviewer concluded, East Meadow School's failure to employ or contract for the service of a licensed special educator precludes its approval to provide special education services.

While this approval was pending, East Meadow hired a licensed special educator. This hiring addressed the major obstacle to approval and the Secretary considered this new information in addition to the information provided by the Review Team's two reports. According to the special education reviewer, other issues related to the failure to document services have been addressed. In other regards, the reports' reviewers were complimentary of the school, citing its well-organized and comprehensive policies and procedures, its administration and, importantly, its creation of a positive community for its students. Therefore, renewal of East Meadow's approval is recommended.

Renewal is not recommended for the maximum term of 5 years, however, for two reasons. First, it appears from all the evidence provided to the Secretary – the Review Team's reports, the NFI East Meadow School Program Director's letter and the Agency's licensing database – that the school operated without a licensed special educator from the beginning of the 2017/2018 school year until January 15, 2018. This clearly violates Rule 2228.3.2. Even assuming that the school was taking steps to address its noncompliance, it demonstrates lack of planning regarding its situation at best and cavalier disregard at worst. Second, as demonstrated, the loss of a single teacher resulted in noncompliance with this Board's rules. A shorter term will allow the Board to evaluate in two plus years how well the school is responding to its staffing challenges in light of the fact that all (or all but one) of its students have IEPs.

STAFF AVAILABLE:

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