

AGENCY OF EDUCATION
Montpelier, Vermont

TEAM: School Finance

ITEM: Will the State Board of Education grant an amendment to the general and special education independent school approval for Jean Garvin School in Williston, VT, to enable the school to add an intensive special education program to its current offerings?

SECRETARY'S RECOMMENDED ACTION:

That the State Board of Education grants an amendment to the general and special education independent school approval for Jean Garvin School in Williston, VT, to enable the school to add an intensive special education program to its current offerings for a term through June 30, 2023.

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. Jean Garvin School is seeking to add an intensive special education program. Development of the intensive program is in response to the governing Consortium's

request for additional student placement for higher need students. An intensive-based school setting, as identified by Consortium local education associations (LEAs), are currently wait-listed for enrollment in the Jean Garvin School. The intensive program will provide additional social-emotional and behavioral support to ensure greater access to academic programing.

4. Jean Garvin School was last granted renewal of State Board approval on May 16, 2017 through August 30, 2017, to serve students in grades 7-12, within the disability categories of Intellectual Disability (mild), Specific Learning Disability, Speech or Language Impairment, Other Health Impairment, Emotional Disturbance, and Autism Spectrum Disorder.
5. 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). Jean Garvin School 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

The Jean Garvin School Site Review – School Amendment Request

Independent School Review Report General Education & Special Education

Site Review Conducted - November 2, 2021

Submitted by Independent School Review Team Member:

J. Deborah Ormsbee

Special Education Team Liaisons:

Tracy Harris and Alex Langevin



Site Review Scope of Work and Purpose

This report will specifically address those program areas impacted by The Jean Garvin School's amendment request to add an intensive program for students in need of more support services than what is currently offered in the milieu-based program. The amendment process does not necessitate a review of the entire Jean Garvin School program at this time, and agency personnel have requested additional assurances consistent with 2022 updates to Rule 2200 that will confirm all statutory and State Board Rule requirements outside of amendment review focus, have been met, ensuring that the program is in good standing regarding maintenance of approval requirements. A full program renewal site review will be conducted by both the Independent and Special Education teams in 2023.

General Education

School Philosophy and Educational Objectives

State Board of Education Rule 2225.2, 2225.5

Members of the agency's Independent School and Special Education teams met with Jean Garvin School staff on Tuesday, November 2, 2021. Interviews were conducted at Jean Garvin's new school building located at 55 Day Lane in Williston. The Jean Garvin School is a designated agency school, one of several, approved independent schools operated by the Howard Center. Garvin School personnel present for interviews and classroom observations included the education program director, clinical director, licensed special educator, current program core instructors for English and social studies, a licensed social worker and three behavioral interventionists.

School Philosophy

According to the Jean Garvin School's application:

"The mission of the Jean Garvin School is to provide an educational program offering unique therapeutic learning opportunities to inspire personal change and well-being. Along with this mission, the staff in the program adheres to a strong set of core values as they strive to provide a safe, nurturing, well-balanced and trauma-transforming learning environment."

The addition of an intensive needs program will not change the school's philosophy or stated educational objectives.

Program Objectives

The school's program director submitted an amendment application to add an intensive program for students, grades 7-12. Development of the intensive program is in response to the governing Consortium's request for additional student placement for higher need students. An intensive-based school setting, as identified by Consortium local education associations (LEAs), are currently wait-listed for enrollment in the Jean Garvin School. The intensive program will provide additional social-emotional and behavioral support to ensure greater access to academic programming. The addition of an intensive program at Jean Garvin, will add 27

enrollment options for Consortium members' students in need of greater intensive, specialized educational and treatment services.

The Agency of Education's site review team noted that Jean Garvin School's current educational objectives include differentiated instruction, project-based learning, Common Core curricular goals and standards for grades 7-12. Embedded in all areas of learning for the program, are trauma informed and social emotional and behavioral practices that provide additional support for ensuring a stable learning environment specifically to close student achievement gaps for intensive need students.

School Enrollment

16 V.S.A. §166(b)(4), State Board of Education Rule 2225.3

Agency review of intake documentation in conjunction with staff interviews, confirmed that student enrollment is completed in compliance with SBE Rules and 16 V.S.A. Once approved, Jean Garvin's Intensive Program will follow the same school calendar of 179 -185 days and will serve students identified as eligible for enrollment, by both sending LEAs and non-Consortium member LEAs/schools.

The Garvin School's current State Board approved capacity is capped at thirty students. If approved, the intensive program would bring total program capacity to fifty-seven students. The intensive program will operate in a separate section of Jean Garvin's new school building on 55 Day Lane in Williston. Both the milieu and intensive programs will access some common spaces at the new location such as: the cafeteria, conference room, some academic support one-on-one instructional break-out rooms and treatment spaces.

A system for securing enrollment documentation exists and ensures confidentiality of referred student as well as family information. Additionally, student records comply with IDEA requirements for on-site storage, limiting personnel access to a per-need basis. The Jean Garvin School has established an appropriate process to ensure staffing levels will meet State Board requirements for serving the additional twenty-seven students, waiting placement in the intensive program.

Governance

State Board of Education Rule 2225.4

The Jean Garvin School's amendment application included the following description of program governance for the current milieu-based program, and once approved, will also apply to the intensive needs program:

... "The Jean Garvin School, which includes both Milieu [and Intensive Programs], is governed by the Chittenden Regional Consortium (comprised of a rep from each Chittenden County school district) and operated by the Howard Center. The Howard Center Board of Trustees is the legal body responsible for the entire agency. The Board of Trustees is responsible for formulating and approving policies governing agency operation, administration, personnel, working conditions, finance, services offered, and so forth." ...

"Governance of the Jean Garvin School is a shared responsibility between the Howard Center and the Chittenden Regional Consortium. The Consortium's By-Laws and Contract for Services

between the Howard Center and the Consortium should be referred to for a specific definition of this shared ownership and governance relationship.”

Minimum Course of Study & Required Assessments

16 V.S.A. §166(b), State Board of Education Rule 2225.5

Jean Garvin School’s amendment application states that both the regular and intensive day program curriculum are based upon Common Core State Standards, and Proficiency Based Graduation Requirements. Furthermore, as stated general education curriculum goals include utilization of Multi-Tiered Systems of Support (MTSS), behavioral interventions and currently under-way a process for restorative practice. Additionally, Jean Garvin School’s Program Director in collaboration with the Education Director have developed and will implement, FY22, a community-based education (CBE) curriculum for intensive students requiring extended 1:1 academic flexibility and differentiated instruction. The CBE option will, when available for eligible students, provide a spectrum of equitable services for accessing academics, meeting graduation requirements, and will include imbedded intensive treatment services based upon student individualized education plans.

Delivery of Minimum Course of Study

Instructional and support staff employ for the milieu-based program, a variety of techniques for delivery of educational services that includes access to a traditional classroom environment, as needed. Interviewed staff members reported that the intensive program would implement practices that utilize community partners to enrich academic opportunities for intensive program students. However, Jean Garvin’s milieu-based program students may also access community-based education, when appropriate.

Agency of Education review team members requested copies of lesson plans for the math and English classroom’s scheduled site reviews. No prepared lesson plans were available prior to or during the scheduled English class observation. AOE review team members noted that the English teacher fully executed a lesson, which the school had purchased, on reading instruction. It was not immediately evident, during class observation, how the English teacher met the school’s stated goals for differentiated, multi-age instruction or how accommodations for students with individualized learning plans (IEPs) or 504 Plans was accomplished through integration with the purchased curriculum, by grade. English lesson instruction methods were segmented into some direct instruction, a student question and answer segment, small student group collaboration and skill practice time and a lesson summary. Students were actively engaged throughout the lesson.

A substitute teacher followed plans provided by the Jean Garvin School Math teacher and successfully met requirements of the plan, while fully engaging students. Staff interviews with social studies and health teachers revealed that current staff had difficulties in recognizing and implementing specific instruction methods in content specific areas and seemed unfamiliar with Proficiency Based Graduation Requirements (PBGRs), especially in areas of authentic assessment on student progress, how to integrate common core curriculum standards or utilize specific methods for accommodating lessons to address multi-graded lesson planning. When specifically asked to provide examples, Garvin instructors could not clarify, for AOE review

team members, specific instructional differences between the current milieu-based program and the proposed intensive program, including how the academic program will embed identified specialized instruction and mental health and behavioral support services to successfully close student achievement gaps.

It was concerning to the Agency of Education's general education and special education review teams that class instructors could not identify specific research-based models for behavioral interventions currently utilized for the milieu-based program or identify which intensive methods will be implemented to support the intensive need program, if approved by the Board.

Staff interviews with Jean Garvin School's licensed special educator, education director and clinical program director did not provide any further illumination for current milieu program regarding the school's specific methods for embedding:

- Social-emotional learning (SEL)

- Multitiered systems of support (MTSS)

- Positive behavioral interventions and supports (PBIS)

- Restorative justice models and corresponding assessment for determining success

During interviews, when asked to elaborate on what portions of PBIS programming are currently utilized for the milieu-based program, and how these practices will be adapted for the intensive-based program, clinical, behavioral and education directors, stated that MTSS and PBIS programming is currently under consideration and identified as a future goal for both staff professional development and curriculum.

Professional Staff

State Board of Education Rule 2225.8

The Howard Center requires all instructional staff, assigned to core area academic programs, hold a Vermont teacher's license in area of specialty. All of Jean Garvin's special education teachers hold a Vermont license, as required. The Jean Garvin School program has a sufficient number of licensed special educators to provide direct services and staff supervision for both the milieu-based and intensive programs. Students enrolled in both Jean Garvin programs will have access to the licensed Speech and Language Pathologist, contracted occupational therapist, clinical service providers and access to other health agency programs, as needed.

Staff engage in a variety of staff meetings with mandatory attendance by classroom teachers, special education teachers, clinicians, social workers, and support staff. Student progress is reviewed as well as academic assessments and treatment programming.

Staff meeting schedules include an end-of-day debrief to specifically address student needs and identify preparation requirements for the following school day. Every Friday afternoon, all staff meet to review academic progress data, and to determine if additional treatment services are required to ensure student success. Jean Garvin School has a progressive, consistent, and well-developed program of school to home case management delivered by the school's licensed social workers, for both the milieu-based and intensive program students as well as continuity of case management services between the two programs.

All staff members are trained annually on a variety of treatment, academic and social/emotional programming, including strength-based approaches toward discipline of children and youth who have varying degrees of adverse childhood experiences, and complex trauma.

All members of the Jean Garvin School staff engage in annual professional development for therapeutic crisis intervention training, special education, and content area development. It is an expectation of Howard Center that all staff remain current with professional licensure and continue professional knowledge in their service area, including para-educators and behavioral interventionists, as appropriate for each staff position.

In addition to supporting external professional development opportunities, Jean Garvin's program director provides whole staff training on relevant subjects including, but not limited to special education, trauma informed classroom management techniques and student behavioral intervention using specialized case study reviews as part of staff improvement.

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, identified areas in need of improvement, a list of staff strengths and professional achievements and conditions of employment (contracts).

Staffing Safeguards:

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

Mandatory Reporting Procedures:

The Jean Garvin School has implemented and published mandatory reporting procedures and expectations in the staff 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. Staff participate in required annual refreshers regarding Howard Center's policy on mandatory reporting.

Health and Safety

Staffing Safeguards:

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

Emergency Services:

Each month all staff and students practice fire and emergency safety evacuation protocols. A plan is in place for collaborating with Williston Police Department to practice lock-down and shelter in place procedures.

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

Policies are in place for ensuring compliance with blood borne pathogen requirements and disposal of sharps in designated containers. Parents, guardians, and custodial adults are kept informed of health, medical and program safety protocols, procedures and are provided annually with a copy of all program policies.

Nursing Services, Medications and Immunization Records:

The Jean Garvin School has access to a licensed nurse through The Howard Center, as needed, to address student medical needs. Designated staff members are trained in proper dispensing of student medications, on how to log medication schedules and to ensure medicines are locked securely in the designated cabinet. Immunization records are included in each student file and stored in a secure, locked filing system. All files are up to date.

Harassment, Hazing and Bullying Policies

The Jean Garvin School has developed strong anti-bullying, anti-hazing and anti-harassment policies and corresponding procedures for addressing issues as they arise are annually reviewed by all staff during August in-service. All of Jean Garvin School's safety plans, policies and expectations are included in both the student and family handbooks that are also available for placing LEAs, upon request.

Facilities

State Board of Education Rule 2225.6

There is sufficient space at Jean Garvin's new school location, to provide academic, mental health treatment, behavioral interventions and to ensure support services for students in both the current milieu-based and future intensive need program. At this time, the Jean Garvin School meets all facility requirements and has provided the Agency of Education with a certificate of occupancy as required.

Furthermore, the sections of the school building that remain under construction, comply with OSHA standards of safety. The completed portions of the facility inhabited by students is clean, well-organized, and welcoming. Current and former student assignments and art work have been framed and hung on display throughout the school's common areas to celebrate student achievement and foster a sense of belonging as well as to reinforce that each student is a valued member of the school community. Additionally, the school's stated philosophy and objectives are on display at the entrance of the building.

Financial Capacity

Howard Center's CFO sent a required financial documentation that included a letter from the Board of Directors affirming it has required capital to fulfill its stated objectives. A copy of the school's 990 and a balance sheet was also provided.

Special Education Liaison Report

STATE REGULATION	EVIDENCE
<p>2228.1: Essential Special Education Supports</p>	<p>Garvin has a licensed special educator who is available to deliver and oversee the delivery of specialized instruction and they plan to offer the same for their specialized program.</p> <p>The new facility is exceptional and designed to meet the needs of students across disability areas. The specialized program will have an increased number of breakout rooms to allow for small group or 1:1 instruction, projects, activities. The clinical area is equipped with spaces, furniture, materials, and tools to promote emotional regulation and sensory integration.</p> <p>All students have access to peer groupings by design. Group milieu programming is an important piece of the overall programming at Garvin.</p> <p>Structured schedules and procedures are in place and the overall climate is one of structure, order and organization even while students and staff members alike were observed to be actively engaged in lively discussions, activities, and lessons.</p> <p>All staff members are trained to differentiate, accommodate and modify curriculum and settings to meet specific needs of learners and ample faculty time is devoted to engaging in both formal professional development around these things as well as informal brainstorming and problem-solving around specific student needs.</p> <p>All Garvin students have access to a chrome book and support as needed for using it; students have access as needed to assistive technology support, communication supports, sensory-based supports, social emotional learning, and trauma-informed therapeutic support. Access to related services through speech language pathologists, occupational therapists, and physical therapists are provided through contractual agreement and collaboration with the sending districts.</p> <p>Two areas emerged as recommended areas of improvement for the milieu-based program, prior to State Board approval of intensive program</p> <ul style="list-style-type: none"> Delivery of specialized instruction <ul style="list-style-type: none"> ○ File reviews reviewed that some student IEPs do not perfectly match up with student schedules in terms of the frequency and/or duration of services. These were minor irregularities, and it is suggested that the Garvin special educator review each student’s IEP and then convene IEP

STATE REGULATION	EVIDENCE
	<p>meetings (or, using form 5b, request changes to be made without a formal meeting) to adjust the slight differences in service delivery times.</p> <ul style="list-style-type: none"> ○ In the vast majority of cases, classroom teachers, school clinicians, and/or academic interventionists are providing the specialized instruction within the context of the classroom setting. It is clear that the special educator spends a great deal of time with the entire faculty, but there needs to be a clear delineation to show that the special educator is directly overseeing the instruction and delivery of services, consulting with the teachers on accommodations and modifications, and monitoring progress. The agency asks for clarification in writing of this oversight; Tracy Harris and/or Alex Langevin are available to meet with Garvin officials to clarify the expectations here. <p>Behavioral Support and Intervention</p> <ul style="list-style-type: none"> ○ Garvin is undoubtedly a therapeutic school environment with ample clinical supports embedded in the programming. To be endorsed to serve students eligible under the categories of Emotional Disturbance and Autism Spectrum Disorders, the school must have properly trained and certified behavioral specialists available to oversee the behavioral programming for students who need it. This can involve conducting Functional Behavioral Assessments and developing Function-Based Behavior Support Plans as well as infusing evidence-based, positive behavior interventions and supports into the milieu. It is recommended that Garvin officials either consider the addition of a properly certified behavior specialist to their staff or to access support from Howard Center (or others, from within consortium districts) to provide a behavioral lens, professional development, and supervision of instructional interventionists (who should, at least for the specialized program) be considered behavior interventionists as well. Again, Tracy Harris and/or Alex Langevin are available to meet with Garvin officials to discuss this.
<p><u>2228.2:</u> Approved for category of disabilities</p>	<p>All students currently receiving special education services at Garvin are eligible under the disability categories for which the school is approved.</p>

**STATE
REGULATION**

EVIDENCE

2228.3:

Maintenance and implementation of written policies and procedures for admissions, LRE, discipline, graduation, faculty qualifications and faculty: student ratios

Entrance and exit processes are clear and the relationship that exists between Garvin administration and consortium members enhances these processes.

Garvin is poised on a continuum of placement options and decisions regarding student placement there are made by IEP teams and sending LEAs, with the intention of returning students to a less restrictive environment as appropriate. Garvin is at a unique place now in which they are proposing their specialized program to be another point on the continuum of placement options: a bit more restrictive than their existing milieu program but less restrictive than other programs that provide 1:1 staffing patterns. The ability for IEP teams to make thoughtful decisions about “stepping up” or “stepping down” between Garvin’s milieu and their specialized program offers more flexibility and greater support to students as their needs grow and change.

Garvin follows all due process considerations afforded to students (and parents) eligible for special education. They work with students’ LEAs to make decisions that may impact the students’ placement or programming. Garvin is aware of Rule 4500 and at least some of their staff members have the skills and training to provide restraints or seclusions, but it is their policy to avoid the use of these interventions and they have a history of effectively serving students without these more restrictive interventions.

Evidence of Garvin working with students to achieve their diplomas and to realize their goals for transition were evident. The transition plan in at least one student’s IEP was extremely impressive, as it outlined the process by which a student went from a residential program to Garvin and then was in the process of reintegrating into his local public school, all in the spirit of addressing his post-secondary goals.

One area emerged as a recommended area of improvement prior to State Board approval of intensive-based program:

Proficiency-Based Graduation Requirements

- The classroom teacher with whom the AOE review team met was unfamiliar with the PBGRs for his students. The special educator expressed frustration over having tried without success to access PBGRs from each of the sending districts of her students. It is strongly suggested that this occur, and that time be dedicated to embedding these proficiencies into the curriculum and/or into each student’s delivery of services. Deborah Ormsbee has offered to assist in the process of gaining access to PBGRs from sending LEAs.

STATE REGULATION	EVIDENCE
<p>2228.3:</p> <p>Coordinating with sending schools, responsible agencies and parents regarding educational records, evaluations, transition planning, changes in placement, etc.</p>	<p>A sampling of student files indicated current IEPs to be in place, along with progress reports. Educational and non-instructional agreements with LEAs are in place, as are documentation of communications and meetings. Medication prescriptions are effectively managed.</p> <p>Not all student IEPs addressed common core goal areas or grade level standards. The Garvin special educator indicated that she participates in and suggests goals/language for IEPs but that it is the LEA who writes the actual IEPs and they do not always include common core goal areas or grade level standards. This is something that has been noted across settings, not unique to the Garvin school or even to just independent schools. It is something that the Agency will address and advise upon.</p> <p>Two student files did not have the most recent comprehensive evaluation in place.</p> <p>Recommended areas of improvement for the milieu-based program prior to State Board approval of intensive program:</p> <p>Comprehensive evaluations:</p> <ul style="list-style-type: none"> ○ Garvin is advised to ensure the comprehensive evaluation for special education services is secured in each student’s file and that staff members who need it have access to this information. <p>Delivery and oversight of specialized instruction:</p> <ul style="list-style-type: none"> ○ Please see the recommendations under the second bullet for Regulation 2228.1. There needs to be a system of accountability to assure that students are receiving specialized instruction that is developed, overseen, and monitored directly by a licensed special educator.
<p>2228.3.2:</p> <p>Licensure Requirements</p>	<p>It is refreshing and exceptional that 100% of Garvin teachers are licensed and have the proper endorsement for their teaching assignments. The quality and certifications of their clinical staff are also commendable.</p> <p>The two areas, within milieu-based program, as previously mentioned remain and need to be addressed prior to State Board approval of intensive program:</p> <p>Evidence that specialized instruction is being overseen by a licensed special educator and</p> <p>To serve students with emotional disturbance and/or Autism Spectrum Disorder, the school must have access to supports and interventions from a properly trained and certified behavior specialist.</p>

Questions Regarding Special Education Review Contact:

Tracy Harris at tracy.harris@vermont.gov

Alex Langevin at alex.langevin@vermont.gov

Approval Recommendation

The Agency of Education's Independent School and Special Education review teams recommend a one-year-approval to add an intensive program to the Jean Garvin School. Findings on currently approved milieu-based program are significant enough that a full five-year term of approval is not recommended. Deficiencies identified in this report relate to: Minimum Course of Study (SBE Rule 2225.5, Title 16 §906), Essential Special Education Supports (SBE Rule 2228.1), maintenance and implementation of written policies and procedures (SBE Rule 2228.3) and requirement to coordinate with sending schools, responsible agencies, parents regarding educational records, evaluations, IEPs, transition planning, and change in placement requirements (SBE Rule 2228.3).

The review team recommends that during the one-year approval period additional consideration be given to Jean Garvin School's current milieu-based program's identified deficiencies. Technical support will be provided upon request to AOE staff. Jean Garvin's independent school approval expires on June 30, 2022. If identified deficiencies within the milieu-based program are corrected as enumerated in this report, prior to the site review for the overall Jean Garvin program, it is possible that the Agency of Education could recommend a longer period of approval for the intensive program and align its review with the pre-existing milieu-based program.