

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 in grades 9-12, in the disability categories of autism spectrum disorders, deaf/blindness, hearing loss, visual impairment, emotional disturbance, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, and traumatic brain injury, to **Burr and Burton Academy**, Manchester, 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 grants renewal of general and special education independent school approval to serve students in grades 9-12, in the disability categories of autism spectrum disorders, deaf/blindness, hearing loss, visual impairment, emotional disturbance, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, and traumatic brain injury, to Burr and Burton Academy, Manchester, 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 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. Burr and Burton Academy, founded in 1829, is a four-year, co-educational day institution serving students in grades 9-12.
2. Burr and Burton Academy is currently approved in the disability categories of autism spectrum disorders, deaf/blindness, hearing loss, visual impairment, emotional disturbance, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, and traumatic brain injury.

3. Burr and Burton Academy 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 evaluation in 2022.
4. NEASC, as part of its accreditation review, assessed financial capacity. Burr and Burton Academy 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.
5. Burr and Burton Academy has a policy on the prevention and reporting of harassment, hazing, and bullying which is as stringent as the Agency's model policy.

# Independent School Special Education Review Report

**REPORT**  
May 2, 2018

**Burr & Burton Academy**

**Submitted by**  
**Special Education Review Team**



## Approval Recommendation

Two year special education re-approval in the disability categories of: Autism Spectrum Disorder (ASD), Deaf/Blind (DB), Deaf/hearing Loss (D/H), Emotional Disturbance (ED), Intellectual Disability (ID), Multiple Disabilities (MD), Orthopedic Impairment (OI), Other Health Impairment (OHI), Specific Learning Disability (SLD), Speech or Language Impairment (SLI), Traumatic Brain Injury (TBI), and Visual Impairment (VI).

In addition, the AOE recommends that Burr & Burton Academy implement the following prior to its next review:

- a) Create a consistent ongoing documentation system to confirm delivery of all IEP services. The documentation in that system should include;
  - a. Name of student
  - b. Service being provided
  - c. Service provider
  - d. Date of service
  - e. Time/length of service
- b) Implement agreement as to costs with Local Education Agency (LEA), signed and dated prior to the provision of services, that includes:
  - f. Amount of tuition
  - g. Services provided
  - h. Additional costs
  - i. Services not included and descriptions of how/if those services might be obtained alternately
  - j. Termination clause
  - k. Signature
  - l. Date of signature
- c) Non-instructional agreement initiated with LEA within 30 days of enrollment and provision of IEP services

## Rationale

Based on the rules for Special Education Approval for Independent Schools, Burr & Burton Academy did not adequately meet expectations upon the visit date. The review found that data and documentation were missing to confirm service delivery. Non-instructional and costs agreements were found to be unsigned and undated and did not clearly articulate which services were included and those related fees. Based on the post-visit submission (4/20/18) from Burr & Burton Academy, the Agency of Education finds that corrective actions made in the short term can ameliorate the concerns and therefore allow Burr & Burton Academy to continue serving students it is currently approved to serve. The Agency will review in two years to ensure these recommendations are implemented systemically.

## **School Description**

Burr & Burton Academy is seeking re-approval in the disability categories of: Autism Spectrum Disorder (ASD), Deaf/Blind (DB), Deaf/Hearing Loss (D/H), Emotional Disturbance (ED), Intellectual Disability (ID), Multiple Disabilities (MD), Orthopedic Impairment (OI), Other Health Impairment (OHI), Specific Learning Disability (SLD), Speech or Language Impairment (SLI), Traumatic Brain Injury (TBI), and Visual Impairment (VI). Burr & Burton Academy is currently serving 710 students, with 30 students on 504 plans, and 103 students receiving special education services. Of the 103 students in special education, the disabilities are as follows: autism-13, hearing loss-1, emotional disturbance-13, intellectual disability-5, other health impairment-26, specific learning disability-44, and traumatic brain injury-1.

## **Review Description**

Burr & Burton Academy, located in Manchester, Vermont, was visited by Agency of Education staff on 3/28/2018. According to student records, there are 103 Vermont students receiving special education services at this school. During the visit, the Agency employees interviewed staff, toured facilities, observed staff/student interactions, and reviewed student files and IEPs. A total of seven files were reviewed, with representation from each disability category and from each sending supervisory union.

## **Review Findings**

2228.1 – Burr & Burton Academy demonstrated the policies, procedures, and staff training to support students in the disability categories of: Autism Spectrum Disorder (ASD), Deaf/Blind (DB), Deaf/Hearing Loss (D/H), Emotional Disturbance (ED), Intellectual Disability (ID), Multiple Disabilities (MD), Orthopedic Impairment (OI), Other Health Impairment (OHI), Specific Learning Disability (SLD), Speech or Language Impairment (SLI), Traumatic Brain Injury (TBI), and Visual Impairment (VI).

2228.3 – Burr & Burton Academy 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 – Burr & Burton Academy 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) and implementation of IEPs.

## **Note on Evidence**

Based on a review of seven student files, school documentation of schedules, staffing interviews, and Non-Instructional Agreements, all services listed on IEPs were unable to be confirmed at the time of review. While some IEP goals and services were consistent with the documentation and work samples provided, the length of service or service provider requirements outlined in the IEP were often incomplete or inconsistent. Post-visit submissions (4/20/18) included a Study Skills Course syllabus and rubric, and other documents designed to demonstrate delivery of IEP services. These documents provided significantly more evidence of service delivery, but in many cases were missing one or more critical details that would allow

the specific service listed on the IEP to be confirmed. As such, the above recommendation for the creation of a consistent documentation system remains in place.

2228.3.2 – Burr & Burton Academy meets expectations regarding licensed staff. Special education teachers are licensed by the Agency of Education.

2228.4 – Burr & Burton Academy did not demonstrate policies, procedures, and written agreements outlining tuition and establishment of the division of legal responsibilities with regards to students on IEPs.

### **Note on Evidence**

Based on a review of all agreements currently in place, there were no signed Non-Instructional Agreements or Agreements as to Costs. The available agreement attempted to combine both agreement types, but was missing information. In post-visit submission (4/20/18), the combined agreement used by Burr and Burton was updated to include an explanation of the costs listed on the tuition cost spreadsheet, signatures, and date of signatures. It is recommended that the maintenance of this system includes all of the features listed above.

### **Addendum 7/18/18**

On 6/20/18 the Agency of Education Independent School team deemed it appropriate to reach out to Burr and Burton and request clarification of and/or additional information as the post-visit submissions dated 4/20/18 did not alleviate the concerns of the team around the documentation of service delivery. The submission included attempts to document the service delivery for the seven students who were part of the review. The body of evidence submitted was not conclusive. Each student's file contained a different collection of documents strongly implying that there is no current or new system to show evidence of service delivery. Even allowing for the lack of system, the review team found that the majority of services listed on the students' IEPs were unable to be confirmed. Much of the documentation was missing a key piece of information (provider name, time, service type etc.), while some services were not addressed at all. The agency request made clear that all services should be accounted for in the system of evidence.

On 6/27/18 the Agency received an updated documentation system. This submission demonstrated a formal system that met the minimum standard for confirmable service delivery. Each entry contained; name of student, service being provided, service provider, date of service, and time/length of service. The submission contained two documented examples for two students along with example service pages. The examples did not provide evidence for all services contained within the example IEPs. Both students had at least one service absent from the documentation sheets.

On 7/10/18 the Agency responded to the submission as Burr and Burton had asked several questions in their submission. In response, and on their third attempt, Burr and Burton provided a document that could account for all of the services indicated on the sample student's IEP.

Based on the additional information gathered through this process, the Special Education recommendation remains at two years, as confirmation of the delivery of services in that period of time is deemed necessary.

**Questions:** Contact Chris Kane at [chris.kane@vermont.gov](mailto:chris.kane@vermont.gov)

**FISCAL IMPLICATIONS:** none

**STAFF AVAILABLE:**

Cassandra Ryan, Fiscal and Regulatory Compliance Coordinator