

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-8, in the disability categories of emotional disturbance, specific learning disability, other health impairment, and developmental delay, to Community Schoolhouse, Brattleboro, VT?

ACTING SECRETARY'S RECOMMENDED ACTION:

That the State Board of Education grant renewal of general education and special education independent school approval to serve students in grades K-8, in the disability categories of emotional disturbance, specific learning disability, other health impairment, and developmental delay, to Community Schoolhouse, Brattleboro, VT. This approval is for a term through June 30, 2020.

That the school must report to the Agency of Education within five business days any changes in enrollment, programs, policies, facilities, financial capacity, staffing, or administration during the approval period.

STATUTORY AUTHORITY: 16 V.S.A. § 166
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 independent schools that are approved by the State Board may receive public tuition dollars.
3. Community Schoolhouse 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 State Board Rule 2222. Because Community Schoolhouse is seeking approval to provide both general education and special education services, the Review Team's recommendation consists of two parts.

5. Community Schoolhouse operates both a residential and day treatment program. The school is able to accommodate up to thirty-four (34) day students and eight (8) residential students ages 6-13 in grades K-8.
6. Community Schoolhouse serves students with emotional, behavioral, social and academic needs, which hinder their success in public schools. Student numbers fluctuate during the course of the year, as students are able to return to their regular public schools.
7. Community Schoolhouse is licensed as a residential treatment program by the Department for Children and Families (DCF).

GENERAL EDUCATION REPORT

Brian Morgan performed the general education portion of the review. He recommended approval for five years through June 30, 2023 based on a report date of January 1, 2018. In summary, Mr. Morgan found that: the facility meets all state and federal health and safety regulations and 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; 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

The Agency of Education's Special Education Review Team performed the special education review at Community Schoolhouse. The Review Team is recommending renewal of special education in the disability categories of emotional disturbance, specific learning disabilities, and other health impairment. The Review Team is also recommending initial approval for the disability category of developmental delay. However, it was found that the school had enrolled and was serving a student with a primary diagnosis of developmental delay, a category for which it was not approved to provide services. The school acknowledged that initially it did not request developmental delay (DD) approval, but subsequently and before the onsite, special education visit, it requested approval in this category. Community Schoolhouse serves as the educational arm of a Department for Children and Families (DCF) licensed treatment program for a number of children in state custody. PADS, the placement division of the Agency of Human Services, also supported the request for DD approval.

Disability Category of Developmental Delay (DD): Prior to 2014, there were no schools approved to serve students in this disability category because DD was considered an "early childhood" disability category. This changed in 2014 when a decision was made at the AOE that, going forward, any independent school serving children nine years of

age or younger must request the DD endorsement the next time the school sought renewal of special education independent school approval.

In other respects, the school meets the requirements of the Board's rules, e.g., appropriate policies, procedures and staff training, educational records, coordination with LEAs and parent, participation in IEP review and progress reporting. The report recommends approval in all areas requested, but for a one-year period. The special education report together with a letter from Community Schoolhouse is attached hereto.

ACTING SECRETARY'S RECOMMENDATION AND RATIONALE:

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

Rationale - Renewal is not recommended for a maximum term of five (5) years for two reasons. First, by serving a student with developmental delay, Community Schoolhouse was out of compliance with Rule 2228.2(1), as they were not approved to serve students in the DD disability category. Second, the school records show inconsistency in recording the name, title, and licensure status of the provider, the duration of service (date and time), type of service provided and by whom.

STAFF AVAILABLE:

Molly Bachman, General Counsel
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