

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 emotional disturbance (ED), intellectual disability (ID), other health impairment (OHI), and specific learning disability (SLD) and initial approval in autism spectrum disorder (ASD) and developmental delay (DD), to Meadows Educational Center, Brattleboro, Vermont?

ACTING SECRETARY'S RECOMMENDED ACTION:

That the State Board of Education grants renewal of general education and special education independent school approval to serve students in grades K-12, in the disability categories of emotional disturbance, specific learning disability, other health impairment, and initial approval in autism spectrum disorder and developmental delay, to Meadows Educational Center, Brattleboro, VT. This approval is for a term through June 30, 2020.

That the school 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 SBE may receive public tuition dollars.
3. Meadows Educational Center 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 Meadows Educational Center is seeking

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

5. Meadows Educational Center serves both males and females in grades K-12, through the residential treatment programs, the day treatment program, and the inpatient program at the Brattleboro Retreat. All students attend the Meadows Educational Center.
6. Meadows Educational Center includes students from the following: A maximum of eight (8) long-term residential children in the Abigail Rockwell Children's Center for children ages 6-12 in grades K-6, and a maximum of 15 long-term residential adolescents ages 13-18 in the Linden Treatment Program for Adolescents. Meadows Educational Center also operates the Brattleboro Retreat's Individually Developed Guided Education Services (BRIDGES) Program for day students. Tutorial services for the Inpatient Program (children in Osgood-1 and adolescents in T-3) are in the most restrictive setting due to their acuity level. These students are provided tutorial services and the number of students attending fluctuates on a daily basis. On the day of the GenEd review visit, there were 22 residential students and 31 students in the BRIDGES Program.
7. Meadows Educational Center 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 29, 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 Meadows School. The Review Team recommends renewal of special education approval in the disability categories of emotional disturbance, intellectual disability, other health impairment, and specific learning disabilities. The Review Team is also recommending initial approval for the disability categories of autism spectrum disorders and developmental delay. The report made two negative findings. First, the school had enrolled and was serving a student with a primary diagnosis of autism spectrum disorder, a category for which it was not approved to

provide services. The school acknowledged this and explained the services that the student was receiving. The Special Education Review Team noted that the services and staffing made available to the student were sufficient to support the student needs. The report recommends adding approval for the disability category of autism. The report recommends that the school provide an updated application process to ensure that Meadows School does not accept students outside of those whom it is approved to serve. With this approval, the school may serve students with autism spectrum disorder. The review team's second finding was a conflict between the number of minutes of small group instruction with a special educator required by student IEPs and the school's daily schedule. This was corrected following the review. 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 Meadows School is attached hereto.

ACTING SECRETARY'S RECOMMENDATION AND RATIONALE:

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

Rationale Under SBE rules a supervisory union may not place a special education student in an independent school that serves special education student who are "in a category of disability different from that under which the student was determined to be eligible" for special education services SBE 2228.2(1). That is what occurred in this case. The fact that the special education team found that the school had the skills to serve the student appropriately does not expunge the violation. Therefore, approval for less than the maximum five years is appropriate. However, a one-year approval would require the school to begin a new application process in six months. That seems excessively burdensome given the contemporaneous steps taken by the school to address the findings.

STAFF AVAILABLE:

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