Foundations Upper Valley

An S^{D} Associates Special Education Program

Foundations is an independent, therapeutic school, approved by The Vermont State Board of Education

Program Handbook

Please Contact
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Foundations Program, Philosophy, Goals, and Objectives

Mission Statement

It is our mission to provide evidence-based services that will enrich the lives of individuals with disabilities and their families. We believe that everyone can learn regardless of their challenges. We teach pro-social skills that enable meaningful community integration and support effective life-long learning.

Foundations Population

Foundations is approved by the Vermont Agency of Education to serve students within the following disability categories: Intellectual Disability (ID), Other Health Impairment (OHI), autism spectrum disorder (ASD), Developmental Delay (DD), Multiple Disabilities (MD), Traumatic Brain Injury (TBI), Speech or Language Delay (SLD), Emotional Disturbance (ED), Orthopedic Impairment (OI), and Deaf/Blindness (DB). The majority of our students have a primary disability in the ID/DD/ASD disability categories.

Program Philosophy

Foundations, like all S^D Associates programs, is based upon the principles of applied behavior analysis (ABA) and applied verbal behavior (AVB). Programmatic decisions are based upon the individual needs of the student and upon the supporting formative data (data that are collected during instruction). Functional assessment results and inventory of the students' behavioral and communication repertoires are used to develop individualized instructional programs for each student. Group program decisions are based upon the needs of the participating students and current best-practice standards and guidelines. Only evidence-based treatments and practices are used at Foundations.

Individuals with autism and intellectual/developmental disabilities often require considerable structure and support to become more efficient learners. These supports include, but are not limited to:

- Structured positive reinforcement
- Predictable staff responding
- The use of structured teaching/learning opportunities
- Carefully controlled ecology/setting
- Visual/alternative or multi-modal supports during instruction
- Instruction in cusp, or 'readiness for learning' skills (attention, cooperative responding, and imitation), functional communication training (both listener and speaker behavior)
- Access to "natural" environments/materials for instruction

Instruction capitalizes on students' strengths and preferences and use them as points of departure for increasing repertoires.

School Goals and Objectives

- To provide a healthy and effective learning environment
- To teach the fundamental skills necessary to become as independent as possible
- To provide our students with programming that will make them the most successful adults that they can be
- To teach essential, effective communication skills
- To reduce or eliminate challenging behavior and other barriers to learning

Given the population of students at Foundations, the majority of the school day is spent working on their individualized education goals and objectives as outlined in their IEPs. Goals and objectives related to their verbal behavior/functional communication skills, adaptive behavior skills, daily living skills, and functional academics are addressed through ABA programming. Small group instruction addresses academic content areas including reading, writing, and math. Science and social/global studies activities are embedded in their daily programming and within the context of ELA and math. Along with these content areas, post-secondary opportunities are explored, along with independent living skills, community participation skills, pre-vocational goal skills, and, for our transition-aged students, vocational skills, volunteer, and work opportunities.

Scope of Expertise

Applied Behavior Analysis (ABA) is a unique evidence-based treatment that is based upon the following assumptions:

- Learning results in behavior changes over time.
- Behavior is increased, maintained, or reduced by immediate outcomes.
- Motivation is a key element in learning.
- Environmental factors increase or decrease the likelihood that certain behaviors will occur.
- The behavior of others in the environment affects the behavior of the learner.

Foundations works with families of individuals to identify socially significant skills and barriers. The student's support system is a central consideration in treatment.

Professional Relationship

Behavior analysts do not make value judgments about behavior. Rather, the focus lies in trying to understand behavior as an adaptive (coping) response for the individual. By working collaboratively to design strategies for adjusting and modifying behaviors, students can

experience greater comfort and well-being while gaining increased personal independence and agency.

When a learner starts school at Foundations, we begin with a twelve-week evaluation period designed to ensure we truly understand and are prepared to support your child. During this time, several important events will take place:

- We will take the time to get to know the student as a unique individual.
- We will build a trusting relationship by establishing ourselves as a source of positive support and reinforcement.
- We will conduct a functional assessment to better understand any challenging behaviors or barriers to learning.
- We will assess existing skills and knowledge to identify their strengths and areas for growth.
- We will gather baseline data on both skills and barriers to establish a personalized approach to their development.

This information will form the basis for a Behavior Support Plan (BSP) and an updated/ or new Individualized Education Plan (IEP). All plans for intervention or treatment will be reviewed with families and/or sending district LEAs. Consent is obtained prior to implementation. Ongoing data collection determines if the intervention is effective. Analysis of the data collected determines if changes in treatment are needed. Information obtained from collecting data will be shared with families and sending districts.

Please know that there are no guarantees as to specific results or outcomes. Please also understand that it is not our goal to "change" your child, but rather to facilitate their learning and growth. If at any time, or for any reason, you are dissatisfied with our professional relationship, please let us know. If at any point a parent/guardian wishes to terminate the relationship, Foundations will cooperate fully.

To effectively assess therapeutic need, it is essential that Foundations be fully informed of all concerns throughout the duration of service provision. Full collaboration is essential in working to understand the various behaviors that are problematic. This will include asking a lot of questions and making a few suggestions. Honest input from families is needed throughout the process. Ongoing and reciprocal communication and transparency between home and school are vital to student progress.

Foundations' therapeutic scope is limited to behavior-analytic treatment and education. Applied behavior analysis does not mix well with non-evidence-based treatments, such as sensory integration therapy, facilitated communication, auditory integration training, etc. Foundations only uses evidence-based practices in our behavior support plans. If the student is currently involved with other therapies, families will let Foundations know. If during treatment, families contemplate starting other therapies, we expect that those intentions be immediately disclosed to the student's behavior analyst so that a discussion about the implications of mixing approaches may occur.

Parents/guardians agree to provide Foundations with a list of any prescribed medications, over-the-counter medications, and/or supplements, in addition to any new or existing medical or mental health conditions. This information is, of course, confidential. When there is any change in medication dosage or schedule, Foundations needs to know about them when or, ideally, before they occur. This will help families to obtain timely and objective information about medication effects and help to ensure the safety of the student.

The Foundations Leadership Team

Jessica Speckert, M.A., BCBA, LBA	Head of School
Katie Watson, M.Ed., BCBA, LBA	Clinical Supervisor
Emily Leopold B.A., LSE	Special Educator/Administrator
Christine Clancy B.A.	Content Area Teacher
Erika Joy, M.A., RBT	Asst. Behavior Consultant
Megan Flye, B.A.	Regional Program Manager
Linda Gould, M.S., CCC/SLP	Consulting Speech/Language Pathologist
David Powsner, M.Ed., BCBA, LBA	S D Associates Executive Director

Please feel free to contact Foundations regarding any specific questions that you might have. Our contact information is as follows

147 Main St.
Windsor VT, 05089
Phone: 802-674-4428
Fax: 802-674-4439
E-mail: Windsor.Admin@sdplus.org

Questions pertaining to day-to-day operations, referrals, and enrollment can be directed to
Jessica Speckert, Head of School
Jessica.Speckert@sdplus.org

Questions regarding educational matters for currently enrolled students can be directed to
Emily Leopold, Special Educator/Administrator
Emily.Leopold@sdplus.org

Questions regarding clinical matters for currently enrolled students can be directed to
Katie Curler (Watson), Clinical Supervisor,
Katie.Watson@sdplus.org
or to the assigned Board-Certified Behavior Analyst (BCBA) or assistant behavioral consultant (ABC).

School Program Requirements

Materials: Foundations will provide all program and instructional materials and supplies.

Meals: Foundations will provide all meals. Students will need to bring in their own lunches if they do not like what is offered or have unusual dietary restrictions. Currently, we are able to accommodate gluten free, dairy free, and vegetarian diets. This may vary. A menu from a local source that provides student lunches will be sent home monthly. There is a refrigerator, toaster oven, and microwave available for student use.

Extra Clothing and Continence/Hygiene Supplies: Each student should bring in at least one full set of clothing to keep at school. If a student uses pull-ups, diapers, or other incontinence products, at least a daily supply of these items should be sent in to keep on hand. Foundations provides basic hygiene products such as deodorant, face wash, or face cream, etc., but parents may elect to purchase and send in specific brands/types of products if they wish for us to use them with their child.

Over-the-Counter and Prescription Medications: If a student is to be administered medications, over-the-counter or prescription, we will need a consent form completed by a parent/guardian. For prescription medication, we will also need a copy of a physician's order and medication delivered to a Foundations staff person directly from a parent. Physician's orders are provided by the prescribing doctor/practice.

Other Medical Considerations: Parents will annually disclose to Foundations if their child has allergies, and what the course of action should be taken if a student is exposed to the allergen (e.g. provide medication, epi-pen, etc..). We will additionally need to be informed if a student has or develops other medical conditions that may require a "rescue" response (e.g., asthma, seizure disorder, etc.) and whether/when rescue medications should be administered. As with other prescriptions, rescue medications also require a copy of the physician's order and the medication itself. Foundations does not employ a nurse or other medical professional; however, staff are trained in first aid and CPR. Mt. Ascutney Medical Center is approximately a one-minute drive from our location.

Foundations Sample Daily Schedule:

*Sample schedule is subject to change
*Individual student schedules vary

8:00-8:30	Arrival, prep, hygiene (breakfast for students who have not yet eaten)
8:30-12:00	Small group instruction Individual time to work on IEP goals Community access/vocational time for older students

12:00-12:30	Lunch
12:30-1:00	Hygiene and preview/prep for afternoon
1:00-2:30	Movement/Gym (indoors or out) Daily Specials/Enrichment (Library, Social Skills, Art, Health, Community Activities) Additional time to finish work on IEP goals Additional community access/vocational time for older students
2:30-3:00	Environmental care (pre-vocational work) and prep for dismissal

Foundations Policies and Procedures

Please note that all policies and procedures are kept on site, are included in this handbook, are posted on our website, and may be viewed by parents at any time.

Policy Regarding Snow, Inclement Weather, or Other Act of Nature

Please note: Foundations retains the right to make all decisions regarding school closures for any reason, regardless of the decisions of other local or sending schools.

Closures and delays will be posted on WCAX by 7 am. Other listing agents may be used as well and will be provided upon confirmation. All families will also be notified by phone ("robo-call"/text) with as much notice as possible.

Unless otherwise notified by a Foundations staff member, the following applies:

If the student's sending school/district is closed, there will be no transportation provided by that district. Parents/guardians can elect to transport their child in the event that Foundations is still open. Please call the program phone at (802) 558-3356 to let us know if your child will be attending school that day. When a winter weather advisory or winter storm warning is in effect, staff will not transport students in their cars for field trips or to job sites or other community-based settings. All snow days will be made up in accordance with AOE regulations.

Illness and Exclusion Policy

At Foundations, we realize that all children have minor illnesses that do not prevent them from receiving regularly scheduled programming; if, however, your child is exhibiting any of the following symptoms we request that the parent call or text the program phone at (802) 558-3356 as well as your transportation coordinator/dispatcher to notify the bus that they will not need to pick up your child, if symptoms appear before school.

Please keep your child home if s/he is sick. If your child is sent home sick from school, s/he will need to **remain home for at least the following school day** and may not return until s/he has been free of fever without the use of fever reducing medications (antipyretics) for **at least 24 hours** AND other symptoms are either **improving** or **resolved, depending on the symptom** (see below). A child should be well enough to meaningfully participate in their school day before returning to school.

All of the following symptoms can be highly contagious and if your child is experiencing any of them before school, please keep them home. If the symptoms appear at school, the student will be sent home.

- Fever of 100 degrees Fahrenheit or above.
- Diarrhea (a bowel movement that is loose, watery, and frequent). If a student has two or more bouts of diarrhea at school, s/he may be excluded. A student with diarrhea must be symptom-free for at least 24 hours before returning to school. In the case of blood in the stool, the student must be cleared by a physician before returning.
- Noisy/difficult breathing (wheezing, rattling chest, etc.) or severe/persistent cough. A student with difficulty breathing/cough must be fever-free for at least 24 hours and symptoms improved before returning to school.
- Sore throat with a fever and/or an observable behavior change/inability to swallow (acting ill, lethargic, etc.). A student with a sore throat and fever must be fever-free for at least 24 hours and symptoms improved before returning to school.
- Vomiting. Stomachache with fever and/or an observable behavior change (acting ill, lethargic, etc.). A student with vomiting must be symptom-free for at least 24 hours before returning to school.
- Rash with a fever and/or an observable behavior change (acting ill, lethargic, etc.), with oozing open sores, or that is tender to the touch. The student may return once on antibiotics if needed, fever-free for at least 24 hours, and symptoms are improving.
- Conjunctivitis. Students may return once cleared by a physician or once symptoms have abated/resolved.
- Infectious illness such as: chicken pox, scabies, impetigo, mumps, measles etc. Students may return once cleared by a physician or once symptoms have abated/resolved.
- Insect infestations and parasites, such as head lice, will not result in the student being sent home but will require that successful treatment begin before returning to school.
- Severe Headache. Severe headache with no other symptoms may result in a child being sent home from school. The student may return the following day if the headache is resolved. Headaches accompanied by other symptoms will require the student to be home the following day.

COVID-19, Flu, RSV, and Other Respiratory Viruses

Foundations is a private, special-education school. Many of our students have medical or developmental conditions that may make them especially vulnerable to respiratory viruses. This consideration has been factored into the development of our health policy.

If a student has a symptom or symptoms consistent with COVID-19, Flu, or other virus and tests negative and meets the other health criteria described above (fever free for 24 hours and symptoms improved), they may return to school. If the student remains negative and healthy, they may continue attending school as usual.

If a parent elects **not** to test their child, s/he will need to remain home for at least one additional school day. The student may return when their symptoms have resolved, and they have been fever-free without the use of medication for 24 hours.

If a child tests positive for COVID-19, Flu, or other respiratory viruses, the student may return to school after five days (day six from onset of symptoms or positive test), only IF their symptoms have improved and they have been fever-free for 24+ hours without the use of medication. The student will be required to wear a mask that completely covers their nose and mouth while in the building until symptoms are gone or for an additional four days (through day ten from onset of symptoms or positive test). If the student is not able to tolerate covering both nose and mouth throughout the school day, s/he may not be eligible to attend school until symptoms are resolved.

Our COVID-19 policy may be updated at any time based on factors including, but not limited to, changing guidance from the VT Department of Health and/or Centers for Disease Control.

Concussion Policy

Vermont State law states, *"The principal or headmaster ... shall ensure that each school has a concussion management action plan that describes the procedures the school shall take when a student athlete suffers a concussion." (16 V.S.A. § 1431)* The law applies to middle and high school student athletes in school-sponsored sports, but can apply to any concussion, no matter the age or cause of injury.

While Foundations does not have an athletics program, there are circumstances/activities in which a student could acquire a brain injury (e.g. using a scooter, roller skating, etc.). Out of an abundance of caution, we have developed a concussion policy that is geared toward these kinds of accidents rather than toward participation in contact sports.

Definition: A concussion is a type of brain injury caused by a bump, blow, or jolt to the head that causes the brain to move rapidly back and forth. The sudden movement from a fall or blow to the body can cause the brain to bounce around inside the skull, creating chemical changes and sometimes damaging brain cells. Loss of consciousness is not required to have a concussion, even what seems to be a mild bump to the head can have serious effects. (Retrieved from the web at: *https://biavt.org/wpcontent/uploads/2020/09/ConcussionToolkit09.26.2019.pdf*)

Symptoms of a concussion:
Physical

- Bothered by light or noise
- Dizziness or balance problems
- Feeling tired, no energy

- Headaches
- Nausea or vomiting (early on)
- Vision problems

Thinking and remembering

- Attention or concentration problems
- Feeling slowed down
- Foggy or groggy
- Problems with short- or long-term memory
- Trouble thinking clearly

Social or emotional

- Anxiety or nervousness
- Irritability or easily angered
- Feeling more emotional
- Sadness

Sleep

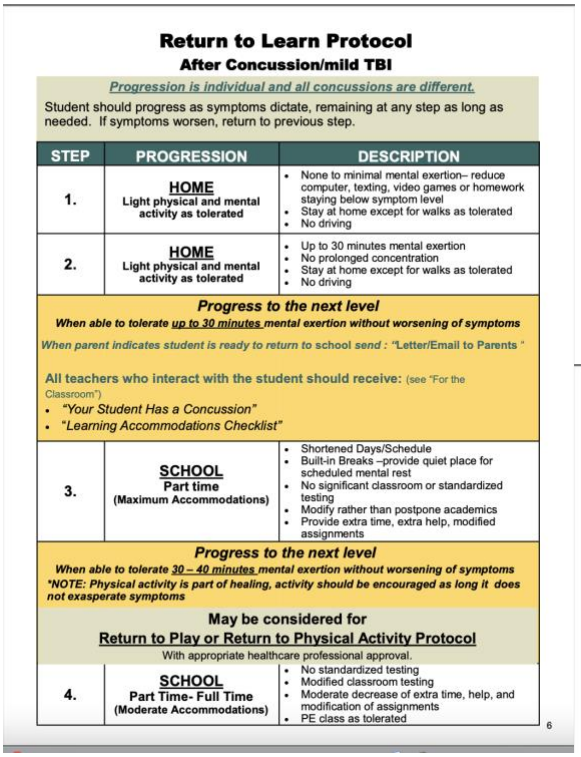
- Sleeping less than usual
- Sleeping more than usual
- Trouble falling asleep

(Retrieved from the web at: https://www.cdc.gov/heads-up/signs-symptoms/)

In the event that a student is involved in a situation in which a blow to the head occurs, during school hours, the parents will be notified the same day.

If that student exhibits any of the above list of symptoms the parents should ensure that the student receives medical attention. The "return to learn" protocol (copied below) specified by "Brain Injury of Vermont" will then be followed to assess readiness to return to school. (Retrieved from the web at: https://biavt.org/wp-content/uploads/2020/09/ConcussionToolkit09.26.2019.pdf)

Students who choose to participate in higher-risk activities (e.g., roller-skating, sliding, using razor scooters, ~~or~~ bikes, etc.) will be required to wear a helmet. If the student does not "tolerate" wearing a helmet, we will work with that student on learning the skill. The student will not be permitted to engage in these kinds of activities without the use of a helmet.



Return to Learn Protocol
After Concussion/mild TBI

Progression is individual and all concussions are different.

Student should progress as symptoms dictate, remaining at any step as long as needed. If symptoms worsen, return to previous step.

STEP	PROGRESSION	DESCRIPTION
1.	**HOME** Light physical and mental activity as tolerated	• None to minimal mental exertion– reduce computer, texting, video games or homework staying below symptom level • Stay at home except for walks as tolerated • No driving
2.	**HOME** Light physical and mental activity as tolerated	• Up to 30 minutes mental exertion • No prolonged concentration • Stay at home except for walks as tolerated • No driving
	Progress to the next level ***When able to tolerate up to 30 minutes mental exertion without worsening of symptoms*** *When parent indicates student is ready to return to school send : "Letter/Email to Parents "* **All teachers who interact with the student should receive:** (see "For the Classroom") • *"Your Student Has a Concussion"* • *"Learning Accommodations Checklist"*	
3.	**SCHOOL** Part time (Maximum Accommodations)	• Shortened Days/Schedule • Built-in Breaks –provide quiet place for scheduled mental rest • No significant classroom or standardized testing • Modify rather than postpone academics • Provide extra time, extra help, modified assignments
	Progress to the next level ***When able to tolerate 30 – 40 minutes mental exertion without worsening of symptoms*** ***NOTE: Physical activity is part of healing, activity should be encouraged as long it does not exasperate symptoms***	
	May be considered for **Return to Play or Return to Physical Activity Protocol** With appropriate healthcare professional approval.	
4.	**SCHOOL** Part Time- Full Time (Moderate Accommodations)	• No standardized testing • Modified classroom testing • Moderate decrease of extra time, help, and modification of assignments • PE class as tolerated

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Return to Learn Protocol (Cont.)
After Concussion/mild TBI

STEP	PROGRESSION	DESCRIPTION
	Progress to the next level ***When able to tolerate 60 minutes mental exertion without worsening of symptoms***	
5.	**SCHOOL** Full Time (Minimal Accommodations)	• No standardized Testing, Routine tests OK • Continue to decrease extra time, help, and modification of assignments • May require more supports in academically challenging subjects • PE class as tolerated
6.	**SCHOOL** Full Time (No Accommodations)	• Attends all classes • Full homework

*****If persistent symptoms are interfering with academic performance, the students educational support needs should be reassessed.***

Anti-Bullying/Anti-Harassment Policy & Procedure

At Foundations, we are dedicated to providing a safe and enriching environment for all students. Any form of harassment, hazing or bullying, including cyberbullying and retaliation of any kind, are strictly prohibited. All acts of bullying are prohibited on school grounds, during any and all school events or activities, and in any school or agency vehicles. The following procedure is designed to monitor and protect students against potential, accidental, or intentional bullying. The following policy and procedure is developed in conjunction with the Vermont Model for Bullying Prevention and Intervention Plan and the Vermont Model Policy on the Prevention of Harassment which can be found on the Vermont Agency of Education Website.

Foundations recognizes that all students should have a safe, orderly, civil, and positive learning environment.[1] Bullying is a form of dangerous and disrespectful behavior that will not be permitted or tolerated. Bullying may involve a range of misconduct that, based on the severity, will warrant corrective action and/or discipline. Behaviors that do not rise to the level of bullying may still be subject to intervention and/or discipline under another section of the discipline plan or policy.

In this policy, "bullying" is defined as any overt act or combination of acts, including an act conducted by electronic means, directed against a student by another student or group of students and which:

[1] 16 V.S.A. §570(a)

A. is repeated over time.
B. is intended to ridicule, humiliate, or intimidate the student; and
C. either:
    a. occurs during the school day on school property, on a school bus, or at a school-sponsored activity; or
    b. does not occur during the school day on school property, on a school bus, or at a school-sponsored activity, can be shown to pose a clear and substantial interference with another student's right to access educational programs.[2]

Examples of bullying include:

- Name-calling and verbal taunts
- Physical threats or actual physical harm
- Off-campus text messages or social media posts that ridicule or intimidate to the extent that the targeted student is not able to fully access the school's programs

To be considered bullying, incidents such as the ones described above must be *repeated over time, directed at a particular student, **and** intended to ridicule, humiliate or intimidate.*

In some cases, acts of bullying may constitute unlawful harassment, where the conduct is based on or motivated by a student's or student's family member's actual or perceived beliefs.

The Head of School and Program Manager have been designated to receive complaints of bullying and harassment. The names and contact information for those individuals are identified at the end of this section.

All staff at Foundations are subject to the anti-hazing/anti-harassment/anti-bullying policies outlined the S[D] Associates Personnel Policy Manual.

Data reporting:

Foundations delegates the responsibility of data collection to the Program Manager. S/he shall collect data on the number of reported incidents of bullying and the number of incidents that have been verified and shall make such data available to the Vermont Department of Education.

Reporting and Responding to Incidences of Bullying/Harassment:

Any reports of hazing, suspected hazing, bullying, or harassment may be made by staff, students, parents/guardians, or other involved parties orally or in writing. All oral reports should be formally followed up in writing. Should any of these events occur, staff members are required to report the incident immediately to the designated administrator on call, either the head of school

[2] 16 V.S.A. §11(a)(32)

or program manager. If the reporter would prefer, any report may be made anonymously to ensure the protection of individuals involved during any investigation. All anonymous reports should be made directly to the Program Manager or Head of School (identified below and at the beginning of this document).

Any reports made to any other supervisory staff will be reported to the Head of School within 12 hours of the initial report. Upon determining if hazing has occurred, the Head of School will conduct (or shall cause to be conducted) a formal investigation. If the Head of School or her/his designee decides that disciplinary action is appropriate, the consequence will be determined based on the facts found during the investigation, including the nature of the conduct, the age of the student(s) involved, and the need to balance consequences for behaviors exhibited.

If it is determined that a false allegation was made, that student may be subject to disciplinary action.

During the investigation, investigators will take all appropriate steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Portions of the investigation and follow-up may include the following: creating a personal and/or group safety plan; determining appropriate preventative positioning for the target and/or aggressor in the classroom, while in transport, for offsite field trips, or other school-related activities. Following all incidents, or suspected incidents, anti-hazing policies, procedures, and follow up will be reviewed by the administrative team to ensure that all safety needs were met and will continue to be met on an ongoing basis.

At the point that it is determined that hazing has occurred parents/guardians of involved parties will be notified.

If it is determined that any criminal charges may be pursued against the aggressor, the Head of School will notify the local law enforcement agencies.

Relationship to Other Laws:

As indicated in the Vermont Model Policy on the Prevention of Bullying of Students and consistent with state laws, federal laws, and school philosophy, no person shall be discriminated against in admission to the school or in obtaining the advantages, privilege and courses of study on account of race, color, sex, religion, national origin, or sexual orientation (see non-discrimination policy). Action will be taken by the administration for any acts of discrimination or harassment.

References and Applicable Standards:

Vermont Model Policy on the Prevention of Bullying of Students
Vermont 16 V.S.A § 11(32)
Vermont 16 V.S.A § 11(26), (A) & (B)

Alternative Complaint Process:

In addition to, or as an alternative to filing a harassment complaint pursuant to this policy, a person may file a harassment complaint with the Vermont Human Rights Commission or the Office for Civil Rights of the U.S. Department of Education at the addresses noted below:

Vermont Human Rights Commission
14-16 Baldwin Street
Montpelier, VT 05633-6301
(800) 416-2010 or (802) 828-2480 (voice)
(877) 294-9200 (tty)
(802) 828-2481 (fax)
Email: human.rights@state.vt.us

Office of Civil Rights
U.S. Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
617-289-0111 (voice)
877-521-2172 (tdd)
617-289-0150 (fax)
Email: OCR.Boston@ed.gov

Legal References:

Title V, Section B, 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 et seq.;
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d;
Title IX of the Educational Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.;
Family Education Rights Privacy Act; 20 U.S.C. 1232g;
Public Accommodations, 9 V.S.A. §§ 4500 et seq.;
Education, Classifications and Definitions, 16 V.S.A. § 11a (26);
Education, Harassment, Notice and Response, 16 V.S.A. § 14;
Education, 16 V.S.A. § 140(a)(1);
Education, 16 V.S.A. § 166(e);
Education, Harassment, Chpt. 9, Subchpt. 5
Education, Discipline, 16 V.S.A. § 1161a;
Education, Suspension or Expulsion of Pupils, 16 V.S.A. § 1162;
Student Abuse, 33 V.S.A. §§ 4911 et seq.;
Adult Protective Services, 33 V.S.A. § 6901 et seq., all as they may be amended from time to time.

Designated Employees:

The following employees of the Foundations school campus have been designated to receive harassment complaints pursuant to this policy and 16 V.S.A. § 570a(a)(7)

Name: Jessica Speckert, MA, BCBA
Title: Foundations Head of School
Contact information: Jessica.speckert@sdplus.org

Name: Megan Flye
Title: Regional Program Manager
Contact information: Windsor.Admin@sdplus.org

Student and Parent Rights

At Foundations, all students will be treated with respect regardless of age, race, gender, skills, or other distinguishing characteristics. This is a value that is strongly held at Foundations and reflects and responds to the fact that each student is an individual and unique human being who exists within the context of an equally unique family.

Parents and students have the right to confidentiality. All student and family records will be kept in locked cabinets, and information will only be disclosed as it aligns with FERPA guidelines. At the time of enrollment, and annually thereafter, parents/guardians will sign documentation indicating whom we can and cannot share information with. Data collected in the program will also be kept in locked cabinets and only shared on an as needed basis, consistent with written consents from families.

Like all teachers and medical providers, Foundations' staff are mandated reporters and are required under law to report suspected child abuse or neglect to the VT Department of Children and Families (DCF). In the case of students over the age of 18 who are members of a vulnerable population, reports would be made to Adult Protective Services (APS). Reports about students from out of state would be made to the relevant/equivalent agency or department. Concerns about abuse or neglect are not covered under privacy rules. More information about keeping children and vulnerable adults safe, may be found at https://dcf.vermont.gov/fsd/resources/prevention or https://dlp.vermont.gov/aps/mandatory-reporting. To view the training module completed by our staff each year, see https://www.kidsafevt.org/.

Families have the right to participate in IEP meetings and receive regular progress reports. An IEP meeting may be requested by a parent/guardian at any time. Invitations will be extended to anyone that the family requests participate.

Families have the right to understand the details of their child's school day and program. Foundations' administrative staff will provide tours, observation time, or answer any questions that may arise upon request. Requests for tours or observation time should be directed to the

Head of School. Requests for clinical or educational information should be directed to the Clinical Supervisor or assigned behavior analyst. Additionally, parents have the right to read any school policy or procedure that they would like. These documents are kept on site and are available for viewing upon request and are available in this handbook and on our website.

To keep records current, the Foundations team requests that any changes to personal information, including address, phone number, medications, emergency contact information, etc. to be reported within 24 hours of the change. Any changes to informed consent or release of information must be made in writing and hand delivered, sent by USPS mail, or by email, and addressed to an administrator. Additionally, any changes to a student's legal status, such as guardianship, arrest, or community restrictions, must be made as soon as possible and no later than 24 hours following judicial or administrative proceedings.

Physical Intervention Policy

A preventative and behavioral (scientific, systematic, data-driven, evidence-based) approach to the reduction of challenging behavior is used at all times, in accordance with the program philosophy described in the program policies and procedures guidelines.

The use of dense, structured, differential positive reinforcement is the primary method used to prevent the expression of challenging behavior and to increase the expression of pro-social and increasingly adaptive behavior in students enrolled at Foundations. Other preventative tools and measures may include:

- Well-equipped classroom with minimal distractions
- Highly trained, supported, and supervised teachers and behavioral instructors
- Teaching attending and communication skills
- Following a consistent schedule and maintaining an effective pace of instruction
- Giving students many opportunities to respond
- Basing activities and reinforcers on demonstrable student preferences
- Treating students with respect (no threats or sarcasm) and with concern for their safety and dignity
- Providing for structured transitions and breaks
- Ignoring or redirecting challenging behaviors
- Teaching and reinforcing appropriate alternative and incompatible behaviors
- Finding students' strengths and building on them
- Teaching students to cope with new, different, or challenging setting events (e.g., new shoes, fear of dogs, food desensitization, tolerating short delays, etc.)
- Establishing clear and consistent expectations and reviewing them often
- Modeling appropriate behaviors
- Making the instruction fun and interesting
- Using cooperative work groups
- Making data-based programmatic decisions

When a student, despite best efforts at prevention, begins to respond in potentially dangerous ways, program staff are instructed and trained to interrupt predictable challenging precursor behavior at the lowest perceptible level. Staff use a variety of tools (based on both individualized behavior support plans, standard classroom practices, and professional direction/supervision) to direct the student back to the activity in progress and their schedule of structured positive reinforcement.

Under Vermont law, restraint is defined as: "the use of bodily force to limit a student's freedom of movement." **This definition excludes:**

- Momentary periods of physical restriction by direct person-to-person contact, accomplished with limited force and designed either to prevent a student from completing an act that would result in potential physical harm to himself/herself or another person; or to remove a disruptive student who is unwilling to leave the area voluntarily;
- The minimum contact necessary to physically escort a student from one place to another;
- Hand-over-hand assistance to prompt a specific motor behavior (point to, touch, give, put in, etc.)

When a student engages in, or attempts to engage in a potentially dangerous behavior, restraint may need to be implemented. All Vermont Rule 4500 reporting requirements will be followed. All Foundations staff are trained and certified through Crisis Prevention Institute (CPI). Parents and sending district LEAs are provided with a copy of the written 4500 report within one school day of the incident and are notified the same day.

Foundations complies with all aspects of Vermont Rule 4500.

Discipline Policy

Classroom management and response to disruptive behavior:

As a therapeutic school using a behavior analytic framework, all students attending Foundations have individual Behavior Support Plans (BSP) that are based on single-subject data and functional assessment. Staff response to disruptive behavior is outlined in that student's BSP. Students are provided with information and training about conflict resolution, peer mediation and anger management on a case-by-case basis, based on their own skills/needs, and functional assessment data. Parents provide informed consent before behavior plans are implemented, following an initial assessment period and once per year, or as the plan is updated, thereafter.

Significant disruptions, such as threats or the use of bombs or weapons, (along with natural disasters, environmental disasters, or "acts of god") are addressed in the Emergency Operations Plan (EOP). Students who engage in such threats or actual use of bombs or weapons, may be subject to suspension or expulsion (see "Suspension and Termination", below).

All staff are aware of emergency procedures (lockdown, evacuation, etc.), evacuation sites, etc., and are trained in these upon hire. Evacuation information is posted in each classroom. Drills are

conducted on the schedule specified by the VT Agency of Education. Staff receive regular training on how to maintain a civil, safe, and positive learning environment in the regular course of in-service training.

Misconduct (bullying/harassment) is addressed in the "Anti-Bullying/Anti-Harassment Policy & Procedure", above. Due process procedures for student suspension and expulsion are described in "Suspension and Termination", section below.

Suspension and Termination

Foundations does not use suspension or expulsion as a form of discipline. A student would only be suspended or expelled in the event that s/he presents such a severe risk that his/her safety or the safety of other students/staff could not be reasonably guaranteed.

Foundations will try every available means to maintain the placement of each student until the sending district is able to identify an alternative placement for that student.

In the unlikely event that a student is suspended, Foundations will immediately notify the parents or guardian and the sending district. Within 24 hours Foundations will send a written statement explaining the reasons for suspension to the same parties. Once a student has been suspended for three consecutive school days or five non-consecutive school days in a school year, the school, parents, and sending district, consistent with federal requirements, shall explore together all possible program modifications within the school, in an attempt to prevent expulsion of the student from the program.

Termination

Upon admission of a student, Foundations will ascertain the sending school district contact person/local education agency (LEA). This contact person and the IEP team will be kept informed of the student's progress and will be immediately notified if termination or discharge of the student is being discussed.

Foundations makes a commitment to all sending districts or other responsible parties that, within the bounds of safety, we will attempt every reasonable means of maintaining the student's placement until the local administrator of special education or officials of the appropriate human service agency have had sufficient time to search for an alternative placement.

Planned Termination:

A planned termination occurs when the IEP team agrees that a placement is no longer appropriate or there is a legal or ethical requirement to transition the student (e.g., student has aged out of the program, or Foundations is no longer the least restrictive setting). Foundations will notify the sending school district of the need for an IEP review meeting. The sending district

will arrange the meeting and provide notice to all parties ten days in advance of the intended date. The meeting will be held for the purpose of planning and developing a written termination/transition plan and timeline for the student. The transition will occur within 30 days, unless all parties agree on a different timeline.

Emergency Termination:

In the case of an emergency termination in circumstances in which the student presents a clear and present threat to the health and safety of himself or others, Foundations will follow the procedures set forth in paragraph 4311.3. See below.

State Board of Education Manual of Rules and Practices
Student Safety, Page 2
4311.3 (1) When a student, because of his or her conduct or condition, is an immediate threat to himself or herself, others, property or educational environment, the school district may take whatever action is appropriate under the circumstances, including, but not limited to, immediate suspension pending a hearing as soon as possible thereafter.
In addition, in cases where a student brings a weapon (as defined in the federal Gun-Free School Act) to school, the school district must refer the student to a law enforcement agency and expel the student for a period of not less than one calendar year unless such expulsion is modified in accordance with the provision of 16 VSA §1166(b)(2) in circumstances such as but not limited to:
(a) the student is unaware that he or she has brought a weapon to school,
(b) the student did not intend to use the weapon to threaten or endanger others,
(c) the student is disabled, and the misconduct is related to the disability,
(d) the student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interest of the student.

In the event that Foundations believes that we are longer an educationally/clinically appropriate placement, we will notify the LEA who will notice an IEP team meeting to discuss a potential change of placement as soon as possible. In the event that the team does not reach consensus on the need to change placements, but Foundations continues to believe that it is no longer an appropriate placement, the sending district is responsible for identifying another appropriate program. The sending district may request that the student remain in his/her existing placement until another placement is identified. It is within the sole discretion of Foundations to agree to this request.

In the event that the sending district believes that Foundations is no longer an appropriate placement for the student, the sending district will convene an IEP meeting to determine placement as soon as possible. If the team agrees that this is not the appropriate placement, the district may request that the student remain at Foundations until such a new placement is available. It is within the sole discretion of Foundations to agree to this request.

If a parent believes that Foundations is no longer a clinically or educationally appropriate placement, they will promptly notify Foundations and the sending district, who will convene an IEP team meeting to discuss a change in placement. The IEP meeting will be held within the

legally required time frame. If at any point a parent/guardian wishes to terminate the relationship, Foundations will cooperate fully.

Policy and Procedure for Filing a Formal Complaint

Foundations is committed to an environment that encourages open communication not only with all employees, but also with the students and families that we serve. The following process is intended to provide families with an effective and impartial means of identifying and resolving problems and concerns. It is our intent to be as reasonable and fair as possible.

Managerial and administrative staff hold the responsibility of establishing and maintaining open lines of communication with families. The first line of communication should be with the special educator or behavior analyst assigned to the student's team. This supervisor will assist in finding a resolution. In situations where a family member feels that the supervisor's response or resolution is unjust, insufficient, or inequitable, that person may pursue further steps to resolve their concern.

Step 1: The complaint should be brought to the Head of School either verbally or in writing. Issues should be brought forward within ten days of the original discussion with the supervisor, although there are times when time frames may be increased based on the nature of the resolution. The individual filing the complaint will be asked to provide details of the issue or problem of concern and their understanding of the supervisor's initial response.

The Head of School will gather and review the relevant facts and provide a response. Responses will be provided in a timely manner. If necessary, a meeting or meetings will be held with the supervisor, staff person, or any other individuals directly involved.

Step 2: If there is a complaint that calls into question the conduct of a licensed staff member, a complaint can be filed with the licensing body. For licensed teachers, complaints can be directed to: aoe.educatorconduct@vermont.gov. For licensed behavior analysts, complaints can be directed to: https://sos.vermont.gov/opr/complaints-conduct-discipline/.

While not all employees are formally subject to the Behavior Analysis Certification Board (BACB) code of ethics as they may not be credentialled by that body, all employees are expected by Foundations to adhere to those standards. Please follow the links below to view BCBA and Registered Behavior Technician (RBT) ethics codes.

For Behavior Analysts: https://www.bacb.com/wp-content/uploads/2022/01/Ethics-Code-for-Behavior-Analysts-220316-2.pdf

For RBTs: https://www.bacb.com/wp-content/uploads/2022/01/RBT-Ethics-Code-240830-a.pdf

Parents are also encouraged to communicate with their child's sending district liaison if they have unresolved concerns.

Non-Discrimination Policy

At Foundations, we support our mission through a commitment to diversity, inclusion, and equity. We welcome the full range of differences in the human family, in our service provision, hiring practices, collaboration with stakeholders, student body, and in our interactions with the community at large. We believe the best outcomes occur when our support is person- and family-centered.

S^D Associates and Foundations are committed to fostering, cultivating and preserving a culture of diversity, equity and inclusion. We embrace and encourage differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make our community unique.

All employees of S^D Associates and Foundations have a responsibility to treat others with dignity and respect. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and ~~at~~ all other company-sponsored and participative events. All employees are also required to attend and complete annual diversity awareness training to enhance their knowledge to fulfill this responsibility.

Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action. Employees who believe they have been subjected to any kind of discrimination that conflicts with the company's diversity policy and initiatives should seek assistance from a supervisor or an HR representative. Students who believe they have been subjected to any kind of discrimination that conflicts with this diversity policy and initiatives should seek assistance from the Foundations' Head of School and/or S^D Associates Executive Director.

In Summary: S^D Associates and Foundations do not discriminate on the basis of race, color, national origin, creed, caste, ethnicity, language or linguistic diversity, socio-economic status, religion, housing status, immigration or citizenship status, marital status, sex, disability, age, gender identity, or sexual orientation, in its programs and activities.

Non-Discriminatory Branding Policy

Branding is the process through which a business or other private or public entity, makes itself known and differentiates itself from competitors. Branding typically includes a phrase, design, or idea that makes it easily identifiable to the public, such as with team names, school logos, and the like. It is Foundations' policy to provide welcoming, positive, and inclusive learning environments for all students by prohibiting the use of discriminatory school branding, which undermines the educational experiences of members of all communities and perpetuates negative stereotypes.

The Head of School (or designee) will:

- Periodically review and provide recommendations for necessary updates to the nondiscriminatory school branding policy as necessary.
- Review branding to ensure compliance with the policy following any school branding changes or updates to the policy.
- Ensure the prohibition of school branding that directly or indirectly references or stereotypes the likeness, features, symbols, traditions, or other characteristics that are specific to either the race, creed, color, national origin, sexual orientation, OR gender identity of any person or group of persons, or any person, group of persons, or organization associated with the repression of others.
- Develop a procedure for an individual to file a complaint that an element of school branding is in violation of the policy.

Procedure for Filing a Complaint About Branding:

An individual may request an opportunity to meet with the Head of School for purposes of presenting the complaint, relevant facts, and further explanations, or present that information in writing via email or mail. The Head of School shall hear the complaint in a fair and just manner.

The Head of School shall render a decision within 30 days. If the individual is unsatisfied with the decision, the individual may appeal the decision to the Secretary of Education. Appeals shall be filed within 30 days of the decision by sending a written notice of appeal to the Agency of Education.

Maintenance, Retention, and Disposition of Student Records

Foundations maintains student files in a locked file cabinet in a locked room inside a locked office suite; these are accessed by authorized personnel only. In addition, we have a Health Insurance Portability and Accountability Act (HIPAA) compliant secure server where key files are kept. In the event of the need to transfer files, this may be completed in one of four possible ways depending on the preferences of the person requesting the file:

1) A paper copy may be mailed to an authorized requester via the United States Postal Service.
2) A paper copy may be faxed to the phone number of an authorized requester.
3) A secure link with password-protected documents may be emailed to an authorized requester.
4) An authorized requester may pick up copies of the file in person.

As a rule, we do not share or transmit second party documents. Typically, we are able to comply with requests for records within seven business days, though most often we can expedite this if needed. All records are kept for a minimum of seven years.

In the event of Foundations' closure, individual student records will be copied and returned to the sending district, contracting for that student. Files will be returned within one week (seven business days) of the last day of school and will be returned via courier or by US Mail, or through any other means described above if preferred by the sending district.

Hiring Practices / Security:

All staff working in the building are fingerprinted and checked through the Vermont Crime Information Center and child/adult abuse registries. These records are maintained and audited regularly by our human resources department.

Enrollment Policy

At Foundations, we support our mission through a commitment to diversity, inclusion, and equity. We welcome the full range of differences in the human family, in our service provision, hiring practices, collaboration with stakeholders, student body, and in our interactions with the community at large. We believe the best outcomes occur when our support is person- and family-centered.

We do not discriminate on the basis of race, color, national origin, creed, caste, ethnicity, language or linguistic diversity, socio-economic status, religion, housing status, immigration or citizenship status, marital status, sex, disability, age, gender identity, or sexual orientation, in its programs and activities.

Foundations complies with all applicable state and federal nondiscrimination statutes, including the Vermont Public Accommodations Act (9 V.S.A. Chapter 139), the Vermont Fair Employment Practices Act (21 V.S.A. Chapter 5, Subchapter 6), and Vermont State Board of Education rules 2226.6 and 2229.1.

As an approved, independent, therapeutic school, Foundations follows these enrollment policies:

1) Foundations only serves students in its approved disability categories.

2) Foundations only serves students for whom this placement would be reasonably deemed "least restrictive".

3) All applications will be made voluntarily by the parent/guardian of a potential student.

4) Foundations may make acceptance decisions based on considerations including:
- Chronological order in which applications are received
- Level of support required by student
- Current placement (does the student currently have an educational placement?)
- Family's agreement with the school's educational philosophy and mission

- Family's willingness to be an active participant in their child's education

5) If the number of applicants to Foundations exceeds capacity, enrollment decisions shall be based first upon continuing to enroll previously enrolled students and then upon considerations itemized in paragraph four, above.

6) Foundations considers every new enrollment conditional for the first twelve weeks of attendance (assessment period). This probationary period is for the school to assess the learner's skills, needs, and barriers to learning, and to ensure that our educational approach and setting is appropriate for the student.

Independent School Assurances Statement

1. The school complies with the Vermont Public Accommodations Act (Title 9, Vermont Statutes Annotated, Chapter 141) in all aspects of the school's admissions and operations.

2. The school's facilities meet all applicable State and federal requirements.

3. The school complies with the requirements of 16 V.S.A. § 255 relating to criminal record checks and checks of the Child Protection Registry and the Vulnerable Adult Abuse, Neglect, and Exploitation Registry.

4. The school has adopted a policy on record maintenance and retention that, at minimum, provides for the timely and confidential disposition of student records in the event of the school's closure.



Jessica Speckert, MA, BCBA, LBA

Foundations complies with 16 V.S.A. § 166(b)(3)

"An approved independent school shall provide to the parent or guardian responsible for each of its students, prior to accepting any money for a student, an accurate statement in writing of its status under this section and a copy of this section. Failure to comply with this provision may create a permissible inference of false advertising in violation of 13 V.S.A. § 2005"

Title 16: Education Chapter 003: STATE BOARD OF EDUCATION

Information below retrieved from the web @
https://legislature.vermont.gov/statutes/section/16/003/00166

The Vermont Statutes Online

The Statutes below include the actions of the 2024 session of the General Assembly.
NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Subchapter 001: GENERAL PROVISIONS
(Cite as: 16 V.S.A. § 166)

- **§ 166. Approved and recognized independent schools**

(a) Authority. An independent school may operate and provide elementary education or secondary education if it is either approved or recognized as set forth in this section.
(b) Approved independent schools. On application, the State Board shall approve an independent school that offers elementary or secondary education if it finds, after opportunity for hearing, that the school provides a minimum course of study pursuant to section 906 of this title and that it substantially complies with all statutory requirements for approved independent schools and the Board's rules for approved independent schools. An independent school that intends to accept public tuition shall be approved by the State Board only on the condition that the school agrees, notwithstanding any provision of law to the contrary, to enroll any student who requires special education services and who is placed in or referred to the approved independent school as an appropriate placement and least restrictive environment for the student by the student's individualized education program team or by the local education agency; provided, however, that this requirement shall not apply to an independent school that limits enrollment to students who are on an individualized education program or a plan under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and who are enrolled pursuant to a written agreement between the local education agency and the school. Except as provided in subdivision (6) of this subsection, the Board's rules must at minimum require that the school have the resources required to meet its stated objectives, including financial capacity, faculty who are qualified by training and experience in the areas in which they are assigned, and physical facilities and special services that are in accordance with any State or federal law or regulation. Approval may be granted without State Board evaluation in the case of any school accredited by a private, State, or regional agency recognized by the State Board for accrediting purposes, provided that the State Board shall determine that the school complies with all student enrollment provisions required by law.
(1) On application, the State Board shall approve an independent school that offers kindergarten but no other graded education if it finds, after opportunity for hearing, that the school substantially complies with the Board's rules for approved independent kindergartens. The State Board may delegate to another State agency the authority to evaluate the safety and adequacy of the buildings in which kindergartens are conducted but shall consider all findings and recommendations of any such agency in making its approval decision.
(2) Approvals under this subsection (b) shall be for a term established by rule of the Board but not greater than five years.
(3) An approved independent school shall provide to the parent or guardian responsible for each of its students, prior to accepting any money for a student, an accurate statement in writing of its status under this section and a copy of this section. Failure to comply with this provision may create a permissible inference of false advertising in violation of 13 V.S.A. § 2005.
(4) Each approved independent school shall provide to the Secretary on October 1 of each year the names, genders, dates of birth, and addresses of its enrolled students. Within seven days of the termination of a student's enrollment, the approved independent school shall notify the Secretary of the name and address of the student. The Secretary shall notify the appropriate school officials as provided in section 1126 of this title.
(5) The State Board may revoke, suspend, or impose conditions upon the approval of an approved independent school, after having provided an opportunity for a hearing, for substantial failure to comply with the minimum course of study, for failure to demonstrate that the school has the resources required to meet its stated objectives, for failure to comply with statutory requirements or the Board's rules for approved independent schools, or for failure to report under subdivision (4) of this subsection (b). Upon that revocation or suspension, students required to attend school who are enrolled in that school shall become truant unless they enroll in a public school, an approved or recognized independent school, or a home study program.
(6) This subdivision (6) applies to an independent school located in Vermont that offers a distance learning program and that, because of its structure, does not meet some or all the rules of the State Board for approved independent schools. In order to be approved under this subdivision, a school shall meet the standards adopted by rule of the State Board for approved independent schools that can be applied to the applicant school and any other standards or

rules adopted by the State Board regarding these types of schools. A school approved under this subdivision shall not be eligible to receive tuition payments from public school districts under chapter 21 of this title.
(7) Approval for independent residential schools under this subsection is also contingent upon proof of the school's satisfactory completion of an annual fire safety inspection by the Department of Public Safety or its designee pursuant to 20 V.S.A. chapter 173, subchapter 2. A certificate executed by the inspecting entity, declaring satisfactory completion of the inspection and identifying the date by which a new inspection must occur, shall be posted at the school in a public location. The school shall provide a copy of the certificate to the Secretary of Education after each annual inspection. The school shall pay the actual cost of the inspection unless waived or reduced by the inspecting entity.
(8)(A) If an approved independent school experiences any of the following financial reporting events during the period of its approved status, the school shall notify the Secretary of Education within five days after its knowledge of the event unless the failure is de minimis:
(i) the school's failure to file its federal or State tax returns when due, after permissible extension periods have been taken into account;
(ii) the school's failure to meet its payroll obligations as they are due or to pay federal or State payroll tax obligations as they are due;
(iii) the school's failure to maintain required retirement contributions;
(iv) the school's use of designated funds for nondesignated purposes;
(v) the school's inability to fully comply with the financial terms of its secured installment debt obligations over a period of two consecutive months, including the school's failure to make interest or principal payments as they are due or to maintain any required financial ratios;
(vi) the withdrawal or conditioning of the school's accreditation on financial grounds by a private, State, or regional agency recognized by the State Board for accrediting purposes; or
(vii) the school's insolvency, as defined in 9 V.S.A. § 2286(a).
(B)(i) If the Secretary reasonably believes that an approved independent school lacks financial capacity to meet its stated objectives during the period of its approved status, then the Secretary shall notify the school in writing of the reasons for this belief and permit the school a reasonable opportunity to respond.
(ii) If the Secretary, after having provided the school a reasonable opportunity to respond, does not find that the school has satisfactorily responded or demonstrated its financial capacity, the Secretary may establish a review team that, with the consent of the school, includes a member of the Council of Independent Schools, to:
(I) conduct a school visit to assess the school's financial capacity;
(II) obtain from the school such financial documentation as the review team requires to perform its assessment; and
(III) submit a report of its findings and recommendations to the State Board.
(iii) If the State Board concludes that an approved independent school lacks financial capacity to meet its stated objectives during the period of its approved status, the State Board may take any action that is authorized by this section.
(iv) In considering whether an independent school lacks financial capacity to meet its stated objectives during the period of its approved status and what actions the State Board should take if it makes this finding, the State Board may consult with, and draw on the analytical resources of, the Vermont Department of Financial Regulation.
(C) Information provided by an independent school under this subsection that is not already in the public domain is exempt from public inspection and copying under the Public Records Act and shall be kept confidential.
(c) Recognized independent schools. Upon filing an enrollment notice, a recognized independent school may provide elementary or secondary education in Vermont. The enrollment notice shall be on a form provided by the Secretary and shall be filed with the Secretary no earlier than three months before the beginning of the school year for the public schools in the town in which the applicant proposes to locate.
(1) The enrollment notice shall contain the following information and assurances:
(A) a statement that the school will be in session an amount of time substantially equivalent to that required for public schools;
(B) a detailed description or outline of the minimum course of study for each grade level the school offers and how the annual assessment of each student will be performed; and
(C) assurances that:
(i) the school will prepare and maintain attendance records for each student enrolled or regularly attending classes;
(ii) at least once each year, the school will assess each student's progress, and will maintain records of that assessment, and present the result of that assessment to each student's parent or guardian;
(iii) the school's educational program will include the minimum course of study set forth in section 906 of this title;
(iv) the school will have teachers and materials sufficient to carry out the school's educational program; and

(v) the school will meet such State and federal laws and regulations concerning its physical facilities and health and safety matters as are applicable to recognized independent schools.
(2) If the Secretary has information that creates significant doubt about whether the school would be able to meet the requirements set forth in this subsection (c), the Secretary may call a hearing. At the hearing, the school shall establish that it can meet the requirements for recognized independent schools. Failure to do so shall result in a finding by the Secretary that the school must take specified action to come into compliance within a specified time frame or the children enrolled must attend another recognized independent school, a public school, an approved independent school, or a home study program, or be declared truant unless absent with legal excuse.
(3) A recognized independent school shall provide to each student's parent or guardian a copy of its currently filed statement of objectives and a copy of this section. The copy shall be provided when the student enrolls or before September 1, whichever comes later. Failure to comply with this subsection may create a permissible inference of false advertising in violation of 13 V.S.A. § 2005.
(4) A recognized independent school shall renew its enrollment notice annually. An independent school shall be recognized for a period not to exceed five years by the Secretary without need for filing an annual enrollment notice if:
(A) it is recognized by an organization approved by the State Board for the purpose of recognizing such school; or
(B) it is accredited by a private, state, or regional agency approved by the State Board for accrediting purposes; provided, however, nothing in this subdivision (4) shall be construed to prohibit the Secretary from initiating a hearing under this subsection (c).
(5) If the Secretary has information that creates significant doubt about whether the school, once in operation, is meeting the requirements for recognized independent schools, the Secretary may call a hearing. At the hearing, the school shall establish that it has met the requirements for recognized independent schools. Failure to do so shall result in a finding by the Secretary that:
(A) the school may not be in operation for the remainder of the school year and that the children are truant unless absent with legal excuse or enrolled in a public school, an independent school, another recognized independent school, or a home study program; or
(B) the school must take specified action to come into compliance within a specified time frame or the school will not be permitted to operate for the remainder of the school year.
(6) Each recognized independent school shall provide to the Secretary on October 1 of each year the names, genders, dates of birth, and addresses of its enrolled students. Within seven days of the termination of a student's enrollment, the recognized independent school shall notify the Secretary of the name and address of the student. The Secretary shall notify the appropriate school officials as provided in section 1126 of this title.
(7) After the filing of the enrollment notice or at a hearing, if the school is unable to comply with any specific requirements due to deep religious conviction shared by an organized group, the Secretary may waive such requirements if he or she determines that the educational purposes of this subsection are being or will be substantially met.
(d) Council of Independent Schools. A Council of Independent Schools is created consisting of 11 members, no fewer than three of whom shall be representatives of recognized independent schools. The Secretary shall appoint nine members from within the independent schools' community. The Secretary shall appoint two members from the public-at-large. Each member shall serve for two years and may be reappointed for up to an additional two terms. The Council shall adopt rules for its own operation. A chair shall be elected by and from among the members. The duties of the Council shall include advising the Secretary on policies and procedures with respect to independent schools. No hearing shall be initiated under this section before the State Board or by the Secretary until the recommendations of the Council have been sought and received. The recommendations of the Council, including any minority reports, shall be admissible at the hearing.
(e) Harassment, hazing, and bullying policies. The board of trustees of an approved or recognized independent school operating in Vermont shall adopt harassment, hazing, and bullying prevention policies; establish procedures for dealing with harassment, hazing, and bullying of students; and provide notice of these. The provisions of chapter 9, subchapter 5 of this title for public schools shall apply to this subsection, except that the board shall follow its own procedures for adopting policy.
(f) Tuition bills. An approved independent school that accepts students for whom the district of residence pays tuition under chapter 21 of this title shall bill the sending district monthly for a State-placed student and shall not bill the sending district for any month in which the State-placed student was not enrolled.
(g) Tuition students; assessments. An approved independent school that accepts students for whom the district of residence pays tuition under chapter 21 of this title shall use the assessment or assessments required under subdivision 164(9) of this title to measure attainment of standards for student performance of those students. In

addition, the school shall provide data related to the assessment or assessments as required by the Secretary. (Amended 1981, No. 151 (Adj. Sess.), § 8; 1983, No. 248 (Adj. Sess.), § 3; 1989, No. 44, § 1; 1993, No. 162 (Adj. Sess.), § 3; 1995, No. 157 (Adj. Sess.), § 2; 1997, No. 60, § 5, eff. June 26, 1997; 1997, No. 84 (Adj. Sess.), § 2; 1999, No. 120 (Adj. Sess.), § 5; 2007, No. 66, § 2; 2007, No. 138 (Adj. Sess.), § 1, eff. May 9, 2008; 2009, No. 153 (Adj. Sess.), § 21b; 2013, No. 92 (Adj. Sess.), § 13, eff. Feb. 14, 2014; 2017, No. 173 (Adj. Sess.), § 20, eff. May 25, 2018; 2017, No. 173 (Adj. Sess.), § 20a, eff. July 1, 2023; 2019, No. 131 (Adj. Sess.), § 54; 2021, No. 20, § 51; 2021, No. 166 (Adj. Sess.), § 14, eff. June 1, 2022.)