

CONNECTICUT STATE BOARD OF EDUCATION
Hartford

TO BE PROPOSED:

February 14, 2018

RESOLVED, That the State Board of Education, pursuant to Section 10-8a-1 to 10-8a-8 of the Regulations of Connecticut State Agencies, issues a conditional Certificate of Exemption to the Mesivta-Durham of Yeshiva Gedolah of Waterbury ("Mesivta"), 459 Wallingford Road, Durham, CT 06422, for the period of February 14, 2018, through August 13, 2018, and directs the Commissioner to take the necessary action. The conditional Certificate of Exemption is subject to satisfaction of the following conditions:

1. To ensure appropriate levels of supervision for the number of students served, the Mesivta shall not exceed its current enrollment (180) and shall maintain its current levels of personnel involved in teaching, supervising or providing care for students, including with respect to the allocation of staff assigned to dormitory supervision responsibilities.
2. In accordance with the applicable regulations, CSDE may conduct a site visit at the Mesivta during the period of conditional approval at a time to be determined by CSDE.
3. In records that shall be preserved and available for inspection by state agencies, the Mesivta shall document any instance involving a breach of its policies or procedures relating to supervision, safety or health of students, and how the breach was addressed. In addition to any reports to DCF or other state agencies that may be required by law, any breach of policies or procedures resulting in injury or serious risk of injury to a student shall be reported to CSDE as soon as possible, and in no event later than 48 hours following discovery of the incident.
4. The Mesivta shall obtain and provide to CSDE a final health inspection report from the Town of Durham health inspector for the dining hall, and shall continue refraining from using the dining hall for food preparation until receipt of such report.

The Certificate of Exemption shall convert to a standard one-year Certificate of Exemption, expiring February 13, 2019, upon a determination by CSDE that the Mesivta appropriately satisfied the foregoing conditions during the initial six-month period.

Approved by a vote of _____ this fourteenth day of February, Two Thousand Eighteen.

Signed: _____
Dr. Dianna R. Wentzell, Secretary
State Board of Education

**CONNECTICUT STATE BOARD OF EDUCATION
Hartford**

TO: State Board of Education

FROM: Dr. Dianna R. Wentzell, Commissioner of Education

SUBJECT: Certificate of Exemption: Mesivta-Durham

DATE: February 14, 2018

Executive Summary

Introduction

As set forth below, it is recommended that the Connecticut State Board of Education (“CSBE”) issue conditional approval for a Certificate of Exemption to the Mesivta-Durham of Yeshiva Gedolah of Waterbury (“Mesivta”), 459 Wallingford Road, Durham, CT 06422, for the period of February 14, 2018 through August 13, 2018, to convert to a standard one-year Certificate, expiring February 13, 2019, upon a determination by the Connecticut State Department of Education (“CSDE”) that the Mesivta appropriately satisfied the conditions during the initial six-month period. The recommended conditions are set forth on page 4.

A Certificate of Exemption permits the operation of a non-special education residential facility and is not equivalent to school approval. The certificate must be renewed annually unless the educational institution has been exempt for at least three consecutive years. If the CSBE grants the Certificate of Exemption, this year will be the first year of exemption for the Mesivta.

History/Background

A. The Legal Status of a Certificate of Exemption

Sections 17a-145 through 17a-152 of the Connecticut General Statutes govern the licensing of child-care facilities and child-placing facilities. Pursuant to these statutes, as historically implemented by the CSBE and the Department of Children and Families (DCF), an educational institution that boards students but has not obtained voluntary accreditation as an independent school must obtain a license to operate from DCF or apply to the CSBE for a Certificate of Exemption.¹ A Certificate of Exemption indicates that the school is “an educational institution as determined by the State Board of Education.”

¹ Most boarding schools in the state of Connecticut have attained CSBE approval through accreditation with a state-recognized accrediting agency. In the past fifteen years, the CSBE has granted three boarding schools Certificates of Exemption: Franklin Academy, Bridgeport International Academy, and Putnam Science Academy. All three schools have since attained CSBE approval by obtaining accreditation and no longer are subject to this requirement.

Schools with a Certificate of Exemption are governed, during the period while the Certificate is in effect, by the CSBE regulations concerning such exemptions in lieu of the DCF licensing requirements for child-care facilities and child-placing facilities. While the CSBE may deny or revoke a Certificate of Exemption, it has no authority to take enforcement action; the enforcement authority in this area rests with DCF. An institution that does not have a DCF license and has not obtained, or has lost, a Certificate of Exemption from CSBE is subject to enforcement action by DCF. Sections 10-8a-1 through 10-8a-8 of the Regulations of Connecticut State Agencies specify the required elements of an application for exemption, exemption procedures and criteria, and procedures for the renewal and revocation of a certificate of exemption. A copy of the regulations is attached.

B. The Mesivta

The Mesivta is a private boarding school for young men grades 9 through 12, which was originally established in 2009 by the Yeshiva Gedolah of Waterbury. Mesivta students receive instruction in Judaic religious studies and in secular general education subjects (as described in the attached report of the visiting committee). Enrollment for the 2016-2017 school year was approximately 154 students with an age range from 13 to 19 years old. This year student enrollment is 180 students. Almost all of the students are from out of state, and there are a small number of international students (from Israel). As part of its mission, the Mesivta seeks to meet the challenges faced by students who, in their prior educational experiences, have struggled with the rigors of the dual curriculum of Judaic studies and secular education.

C. Concerns Raised by DCF/CSDE and the Mesivta's Corrective Measures

During 2015-2016, the Mesivta periodically communicated with CSDE to seek information about the process for applying for a Certificate of Exemption. Through its counsel, the Mesivta informed CSDE that it had not been aware of the laws requiring either a DCF license or a Certificate of Exemption and intended to apply for the latter. In the fall of 2016, the Mesivta moved from Waterbury to its current campus in Durham. After the move, CSDE was informed that DCF had received reports concerning four incidents at the school involving potentially serious injury or risk of injury to students resulting from student behavior outside the presence of staff.² The reports suggested a lack of appropriate supervision of students. As a result, CSDE and DCF collaborated to determine appropriate next steps with regard to the school in light of DCF's investigations of specific incidents and its enforcement authority in this area.

DCF worked with officials of the Mesivta to address the specific incidents under investigation. DCF and CSDE advised the Mesivta that it must apply for and receive a DCF license or a Certificate of Exemption if it wished to continue operation. In joint meetings and written correspondence, CSDE and DCF communicated to Mesivta officials each agency's concerns

² Two of the incidents involved use of a BB-gun by students, resulting in injuries to other students. In the third incident, a student overdosed on an Opioid substance and emergency medical personnel successfully treated the student by administering Narcan. The fourth incident involved acute alcohol intoxication resulting in treatment of the student by emergency medical personnel. As noted above, in response to the concerns raised by DCF and CSDE based on these incidents, the Mesivta made significant changes to its staffing model and supervision practices.

relating to student safety and supervision and their expectations for improvements that would be necessary to satisfy both agencies. In this process, the Mesivta was appropriately responsive to the concerns expressed by CSDE and DCF and cooperative with the agencies' directives for corrective measures.

CSDE and DCF conducted a joint site visit in May of 2017, while school was in session, to inspect the facilities and obtain information concerning the school's policies and practices concerning supervision of students. Through this inspection, DCF and CSDE provided the school with a report detailing a range of deficiencies that the school needed to address in several areas, including the need for the school to: make substantial improvements to the condition of the dormitories; develop a detailed plan of supervision with appropriate staffing in numbers and experience to implement the plan; and establish protocols to ensure appropriate access to medical care for students.

The school acted promptly in response to DCF and CSDE's concerns and dedicated significant resources to implementing corrective measures addressing these issues. Specifically, the Mesivta: made major improvements to the physical plant, including to dormitory facilities; hired additional staff to ensure an appropriate ratio of staff to students for appropriate supervision and to ensure adequate cleaning, upkeep and maintenance of facilities; hired a licensed nurse and established an infirmary on campus; developed new written policies and procedures; and adopted a detailed plan of supervision with appropriate staffing for conducting the supervision, including in the dormitories housing the students. In addition, staff conduct inspections of dormitories to monitor safety and cleanliness and check for contraband. Infractions are reported to supervisors. The Mesivta has taken disciplinary action (including expulsion) in certain cases.

D. Application Evaluation Process and Determination of the Visiting Committee

In May of 2017, the Mesivta started its application process by submitting initial materials in support of an application for a Certificate of Exemption; in the subsequent months, the Mesivta submitted additional required materials and information to complete the application process.

In accordance with the applicable regulations, the Commissioner appointed a visiting committee consisting of two CSDE representatives and a DCF representative. They conducted an on-site evaluation of the school on September 28, 2017 – representing the second on-site examination of the school by CSDE and DCF since May 2017. The visiting committee reviewed documentation which it received prior to and during the on-site review, conducted interviews with school administrators and staff, observed classes and examined the school's dormitories and other facilities. On the basis of its evaluation of the school, the visiting committee concluded that the Mesivta was operating a school, was eligible for a Certificate of Exemption and should be granted a conditional approval. A copy of the visiting committee's report is attached.

The applicable regulations also require completion of satisfactory health and safety inspections by appropriate local officials. The local fire marshal has approved the buildings for compliance with the local fire code, and the state fire marshal has inspected the dormitories to determine the appropriate capacity, which is well above the level needed to accommodate current student levels in each dormitory. The school has already received certificates of occupancy and satisfactory

health inspections for all buildings with the exception of the new dining hall, the construction of which was recently completed. Pending receipt of final health inspection approval of the new dining hall, the Mesivta is complying with the applicable regulations by providing catered meals.

Finally, in September of this school year, another incident involving a student's conduct outside the presence of staff led to a DCF investigation: a student became acutely intoxicated after consuming alcohol he had surreptitiously brought into his dorm room and concealed from staff. The student received appropriate medical treatment. DCF completed its investigation and concluded that there was no basis for a finding of neglect on the part of school staff; DCF did not note any concerns relating to inadequate supervision or monitoring of students. DCF staff noted that the new protocols put in place by the school in response to the concerns previously raised by DCF and CSDE caused school staff to respond in an appropriate and timely manner.

Recommendation and Justification

Based on all of the information considered, the visiting committee is satisfied that the Mesivta has substantially met the criteria required by the regulations for the CSBE to grant conditional approval for a Certificate of Exemption.

On the basis of the evaluation conducted in accordance with the applicable regulations, it is recommended that the CSBE grant a conditional Certificate of Exemption for the period of February 14, 2018 through August 13, 2018, subject to satisfaction of the following conditions:

1. To ensure appropriate levels of supervision for the number of students served, the Mesivta shall not exceed its current enrollment (180) and shall maintain its current levels of personnel involved in teaching, supervising or providing care for students, including with respect to the allocation of staff assigned to dormitory supervision responsibilities.
2. In accordance with the applicable regulations, CSDE may conduct a site visit at the Mesivta during the period of conditional approval at a time to be determined by CSDE.
3. In records that shall be preserved and available for inspection by state agencies, the Mesivta shall document any instance involving a breach of its policies or procedures relating to supervision, safety or health of students, and how the breach was addressed. In addition to any reports to DCF or other state agencies that may be required by law, any breach of policies or procedures resulting in injury or serious risk of injury to a student shall be reported to CSDE as soon as possible, and in no event later than 48 hours following discovery of the incident.
4. The Mesivta shall obtain and provide to CSDE a final health inspection approval from the Town of Durham health inspector for the dining hall, and shall continue refraining from using the dining hall for food preparation until receipt of such approval.

The Certificate would convert to a standard one-year Certificate, expiring February 13, 2019, upon a determination by CSDE that the Mesivta appropriately satisfied the foregoing conditions during the initial six-month period.

Follow up Activity

CSDE will conduct the necessary follow-up activities as set forth in this report, including a site visit during the initial period of conditional approval, the renewal site visit and a review of the Mesivta's satisfaction of the conditions of approval.

Prepared by: Attorney Laura L. Anastasio
Division of Legal and Governmental Affairs

Reviewed by: Attorney Peter Haberlandt, Director
Division of Legal and Governmental Affairs

CONNECTICUT STATE DEPARTMENT OF EDUCATION

Report of the Visiting Committee
Yeshiva Gedolah of Waterbury: Mesivta-Durham
Date of Application Submission: September 15, 2017

A team appointed by the Commissioner of Education visited Mesivta-Durham (Mesivta) on September 28, 2017, for the purpose of determining whether a certificate of exemption should be granted to permit the school to continue operation, pursuant to Section 10-8a of the Connecticut General Statutes. The team consisted of the following people:

Laura Anastasio, Chair
Division of Legal and Governmental Affairs
Connecticut State Department of Education
450 Columbus Boulevard, Suite 605
Hartford, CT 06103

Suzanne Loud, Education Consultant
Academic Office
Connecticut State Department of Education
450 Columbus Boulevard
Hartford, CT 06103

Kathleen Forsythe, LCSW, Regulatory Consultant
Department of Children and Families
Office of Legal Affairs - Licensing Unit
505 Hudson Street
Hartford, CT 06106
Phone: 860-550-6316

The team interviewed the following people:

Rabbi Ahron Kaufman, Dean
Mr. David Lieber, Board Member
Rabbi Eli Elefant, Executive Director
Yaakov Moshe Leizeron, Campus Manager
Rabbi Uri Grosberg, Principal, Secular Studies
Rachel Weinreb, School Nurse
Rabbi Doniel Ginsberg, Associate Dean
Rabbi Rafael Nemetsky, Dormitory Supervisor
Shlomo Zalman Resnick, Dormitory Manager
Yitzchok Mandel, Dormitory Counselor

The team visited the following facilities:

Carlton Dormitory on 11 Brayson Drive (12th Grade Dormitory)
Blue Ridge Dormitory at 12 Brayson Drive (11th Grade Dormitory)

Waterbury Dormitory at 13 Brayson Drive (9th and 10th Grade Dormitory)
Classroom Building (9th Grade and 10th Grade)
Classroom Building (11th Grade)
Meeting house/Synagogue (12th Grade classes)
Dining Hall
Gymnasium
Nurse's Office
Administrative Offices

Written Documentation, including supplemental information requested by the Department, is on file at the Division of Legal and Governmental Affairs. Documentation reviewed at the site included:

Mesivta's application and supplemental submissions
Textbooks/curriculum for the 2017-18 school year
Operating Budget for the 2016-17 and 2017-18 school years
Financial Audit dated June 30, 2016
Policies and Operating Procedures 2017
Procedures for Emergency Response
Emergency Medical Treatment Protocol

Introduction:

The Yeshiva Gedolah of Waterbury, a religious corporation organized under the laws of the State of Connecticut, operates Mesivta-Durham, a single sex traditional Jewish high school for young men. The school's mission is to address the challenges of students who have struggled with the rigors of the dual curriculum of Judaic studies and secular education and reengage these students so that they can successfully complete their studies. The school was originally established in 2009 in Waterbury, Connecticut. Enrollment for the 2016-17 school year was 154 students with an age range from 13 to 18 years old. Enrollment for the 2017-18 school year is 174 students. Parents pay tuition on a sliding scale, based upon the family's ability to pay—no student is refused admission due to financial constraints. The remaining tuition is supplemented through the support of the Orthodox Jewish Community. The majority of the students are from the United States with many from New York and New Jersey with a smaller number of students from the Midwest, California, Florida and Israel.

The school offers a dual program of Judaic studies and a program of secular (or general) studies, which include: Algebra I, Geometry, Algebra II, Earth Science, Physical Science, Chemistry, The Language of Literature, Literature Survey, British Literature, Composition, U.S. History (Age of Exploration through the Civil War), U.S. Government/Civics, and World History. Additionally, the Mesivta offers a general Computer Literacy course, and students may elect to sign up for a SAT Prep course. The school reported that over 90% of its students continue on to postsecondary programs, generally in Israel where institutions offer college-level programs to American Yeshiva students. A majority of students take a planned "gap year". This year encompasses experiential learning with a service theme that students have identified as relevant to their world-view.

The Mesivta leases a number of buildings on its campus to the Rushford Clinic, a state-approved private special education facility that offers residential substance use and addiction treatment programs for young men aged 13 to 18 years. The two entities share the gymnasium, and the interactions between the students and the Rushford clients appear to be cordial.

The Mesivta employs 15 faculty members, six administrative staff, three housekeeping staff, a groundskeeper, and a licensed registered nurse (part-time). There are two Dormitory Supervisors, a Head Dormitory Manager, five Dormitory Managers and six Dormitory Counselors. The school is in the process of evaluating proposals from security companies to patrol the campus.

Minimum Criteria for a Certificate of Exemption:

The on-site evaluation team shall review and report to the Commissioner, pursuant to Section 10-8a-4 of these regulations, on the following minimum requirements:

- (a) A facility shall have administrative personnel in numbers and training and such policies and operating procedures which shall be in writing and kept current, as are necessary to ensure the health and safety of the students residing at the facility.

The administrative staff consist of the following individuals:

- Rabbi Aharon Kaufman, Dean*
- Rabbi Daniel Kalish, Menahel/Principal, Judaic Studies*
- Rabbi Uri Grosberg, Principal, Secular Studies*
- Rabbi Doniel Ginsberg, Associate Dean*
- Rabbi Eli Elefant, Executive Director*
- Mr. Yisroel Moshe Weinreb, Administrator*
- Mr. Yaakov Moshe Leizeron, Campus Manager*
- Mrs. Eli Linda, Administrative Assistant/Registrar*
- Mrs. Chana Bassman, Administrative Assistant*

The facility has an appropriate number of administrative personnel with appropriate backgrounds and training. For example, the Mesivta administrative personnel have completed graduate studies and many have teaching experience. (See application materials for further information.) Teachers have attained at a minimum a Bachelors' degree or equivalent, and several teachers have attained Masters' degrees or have completed post-graduate studies.

Policies and operating procedures are in place and current. Dormitory Supervisors live on campus and are available 24/7. The Head Dormitory Manager lives in the Blue Ridge Dormitory. The Dormitory Managers live in the three dormitories and are responsible for an assigned floor. In addition, there are Dormitory Counselors who reside in a house on campus and are assigned to a dormitory, where they supervise, tutor and counsel students during the daytime hours—the number of counselors assigned to a dormitory varies depending upon the number of students. A part-time nurse is on duty during the morning hours of the school day (generally 9:30 a.m. to 1:30 p.m.) The Infirmary is located on campus. When the nurse is not

available, two Dormitory Counselors who are certified Emergency Medical Technicians (EMTs) rotate being on call. When the clinic is closed, students with medical emergencies are taken to Middlesex Hospital, which is located approximately 8.7 miles from the school grounds.

The Administrative staff have recently revised certain school policies and established new policies and procedures. These policies and procedures, which are on file with the application materials, include the following:

Policy and Procedures on Monitoring Location of Students

Drug and Alcohol Policy

Policy on Student Freedom and Responsibilities

Attendance Policy

Policy on Faculty Input

Emergency Procedures and Procedure for Contacting Family Members in the Event of An Emergency

Policy and Procedures for Safe Storage and Dispensing Medication

Plan for 24/7 Medical Care

Policy Concerning Allergy Management

Policy on Student Illness/Fever/Contagion

In accordance with this requirement of the regulation, the evaluation team reviewed these policies and procedures and has determined that they are appropriate for addressing health and safety issues and are current. Faculty and staff interviewed by the evaluation team were aware of and understood these policies and procedures.

(b) A facility shall maintain and update annually the following information for each student: name, address, name of parent(s) or guardian, attendance, courses of study, grades achieved, participation in extra-curricular activities, and medical records.

The school's administrative assistant maintains student files in the administrative offices; the school nurse maintains separate files for medical records in the Infirmary. Files are locked in fire resistant containers and may be accessed by authorized personnel. The student files include parental contact information, attendance, and grades. Such information is accessible by the Administrative staff.

(c) As prerequisites for exemption or conditional exemption, a facility shall have current health and sanitation approval by the local department of health, current approval for safety by the local and/or state fire marshal, and, upon request, a certificate of occupancy and/or zoning approval.

The Mesivta has provided current health and sanitation approval by the Town of Durham Department of Health, approvals by the Durham Fire Marshal, the State Fire Marshal and has provided certificates of occupancy for the buildings. Copies of these documents are available in the application material.

(d) Each student shall be provided with sleeping quarters which are adequate in area, space, and equipment in relation to each student's age and needs. Suitable provisions shall be made for the

separation of the sexes. The program of supervision and the security procedures in effect shall ensure the health and safety of the students.

Sleeping quarters and living space are adequate in area, space and equipment. It is important to note that the Yeshiva Gedolah delayed the opening of the school this year in order to complete significant improvements to the campus, including the dormitories. The visiting team observed dormitories that were clean, neat, with new flooring, repaired/replaced doors, windows and walls. The bathrooms were clean with newly installed washable vinyl wall sheets; and all shower and toilets appeared to function properly. Bedrooms in the dormitories did not appear overcrowded, new wooden storage units were in each bedroom, and the dormitory walls were recently covered with wooden bead board. Personal effects were organized. Exterior doors had been repaired or replaced, and the wooden exterior staircase at the Carlton dormitory (one of three dormitories on campus) had been replaced.

Students conduct their studies in the classroom buildings. Therefore, no desks are provided in the dormitory rooms. Each dormitory floor is equipped with a sufficient number of bathrooms, including a sufficient number of showers per floor. The Carlton dormitory has a lounge, and the Waterbury and Blue Ridge do not have student lounges. There are one or more laundry rooms in each dormitory, depending upon the size. Dormitory Managers live in rooms among the students; many such rooms are equipped with their own bathroom. In the Carlton dormitory, the Dormitory Managers live on each floor. In Blue Ridge and the Waterbury, the Dormitory Managers live on the mezzanine level near the front entrances, and the students reside in the upper and lower levels. Because the school is single sex, there are no provisions necessary for the separation of the sexes.

At least one Dormitory Counselor is assigned to each dormitory floor depending upon the number of students living on the dormitory floor. The Dormitory Counselors serve as mentors/big brothers to the students and assist the Dormitory Managers with the supervision of students during the school day, including reporting all infractions to the Head Dormitory Manager. In addition, Dormitory Counselors provide other services such as directing the sports program, tutoring, and transporting students. They reside on campus in a house next to the Infirmary.

Dormitory Managers directly supervise students in the dormitories. At least one Dormitory Manager lives on each floor of the dormitory. Their responsibilities include conducting multiple inspections of the facilities to monitor the safety and cleanliness of the dormitories. They report any infractions and submit supervision logs to the Dormitory Supervisor. They address student complaints and report such complaints to appropriate personnel. They authorize students to leave campus in accordance with the school's policy. In order to obtain permission to leave campus, a student must have appropriate authorization from his parent or guardian and must be accompanied by a school supervisory staff member. In addition, a student must obtain permission from a supervisory staff member for the specified destination and must verify his return time.

The Head Dormitory Manager lives in the Blue Ridge Dormitory (12 Brayson Drive). He is responsible for the students when they are in the dormitory. His responsibilities include

monitoring the cleanliness and safety of the dormitories, conducting inspections of the rooms and facilities, reporting infractions and submitting the supervision logs to the Supervisor, authorizing students to leave campus, collecting inspection reports from Dormitory Managers, and supervising Dormitory Managers.

There are two Supervisors to ensure that there is a staff member in charge of the campus at all times. They both live on campus in the house next to the Infirmary. Their responsibilities include monitoring the campus in the evening hours, conducting a detailed walk-through of the campus between 10:00 and 11:00 p.m. daily, serving “on-call” at night for any emergency, and reporting to the Dean each morning.

Faculty members rotate for classes and prayer services—teachers of Judaic studies are on campus in the morning into the afternoon, and teachers of secular studies are on campus from the afternoon to evening. Each Faculty member approximately one night per week will stay overnight on campus to supervise the campus and walk through the dormitories until 4:00 a.m. The school is in the process of hiring a security service to monitor the safety of the campus.

The school requires that all faculty, managers, counselors, and other staff members submit to a criminal background check. Copies of the resumes for the Administrators, faculty, dormitory supervisors, dormitory managers, and dormitory counselors and other staff are available with the application materials. There exists a clear hierarchy of authority with respect to student supervision. Counselors and managers wear badges that clearly identify them as staff members.

Recommendations:

- *Install window coverings on all bedroom windows for student privacy. (The school indicated that blinds were on order.)*
- *Install crash bars on all exit doors to replace turn locks.*
- *Install door sweeps at the base of all exterior doors to close the gaps and to prevent cold and vermin from entering dorms.*
- *Remove excess epoxy flooring material on stair risers in the dormitories.*

(e) All food preparation and serving areas shall comply with the Administrative Regulations, Section 19-13-B42 of the Public Health Code pursuant to Section 19-13 of the General Statutes.

The Mesivta has recently completed construction on a new dining hall. Staff reported that the facility was waiting for a Certificate of Occupancy/Health Inspection before they can begin to use the space for preparing meals. In the meantime, meals are catered. The Dining Hall contains a men’s bathroom with two stalls and a sink, and a women’s room with one toilet and a sink. A separate handwashing station with numerous sinks and electric hand dryers is located in the rear of the main room. Sufficient tables and chairs for the entire school population are in place and ready for use. The inspection reports when available will be filed with the application materials. The school has hired a qualified kosher chef with institutional experience to run the dining facility.

(f) Each facility shall have procedures to ensure that each student be protected by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles and rubella before

being permitted to attend such facility pursuant to Section 10-204a of the General Statutes. The facility shall provide or arrange for qualified medical care for its students on a twenty-four-hour-a-day, seven-day-a-week basis and have a written plan that specifies the arrangements for the provision of emergency medical care. The facility shall provide a separate area for students in the event of sickness. The facility shall have written procedures to ensure that prescription medication be administered to a student by qualified personnel only upon written order of a licensed physician. All drugs, medicines, and medical instruments shall be kept in a locked cabinet accessible only to designated staff members. All health facilities shall meet all local and state regulations for such facilities.

The Mesivta employs a part-time nurse who is available Monday through Friday 9:30 a.m. to 1:30 p.m. The Infirmary is located in a house on the outskirts of the campus. The school maintains student immunization and health records in a file cabinet accessible by the school nurse and EMTs. Medications are kept in a locked closet in the nurse's office in alphabetized baskets. Students who need to take medication during hours when the nurse is not available receive medications from the EMT on call. An emergency medical technician (EMT) is also on call twenty-four hours per day.

The health procedures and facilities are adequate and satisfy the regulatory requirements. In addition, the evaluation team offers the following recommendations:

Recommendations:

- *In the future, the school may wish to consider a full-time nurse to ensure that medications are distributed by a licensed nurse.*
- *Use a single basket for each student to avoid distributing medications to the wrong student.*
- *Count all drugs at the end of each day and record in a medications log to ensure that no medications are missing.*
- *Install a camera in the office where the medications are kept to record any break-in.*
- *The school should consider moving the infirmary to a building that is closer to the dormitories, such as in the middle of campus. In the alternative, the school may consider increasing the lighting along the walkway to the infirmary that is installed by a licensed electrician so students who are ill or in need of medication can access the infirmary in the evening hours.*

(g) The educational program of each facility shall provide students with instructional services consistent with the requirements of Section 10-184 of the General Statutes. The instructional services shall be supplemented with materials, equipment and facilities in suitable quantity to implement the educational program. The professional administration, teaching and support services staffs shall have the necessary training and skills and shall be in numerical proportion to implement safely and adequately the educational program.

The Mesivta provides its students with instructional services that are consistent with the requirements of Section 10-184 of the Connecticut General Statutes. The number of faculty is adequate for the current number of students. The teacher/student ratio supports the school's educational program. The teachers' backgrounds and experience are appropriate for their

assignments. Many of the teachers have prior teaching experience in both public and private schools. In addition, teachers have at a minimum a Bachelors' degree or the equivalent, and many teachers have Masters' degrees or the equivalent. Textbooks are provided to students. The school calendar provides for approximately 180 school days, and the school day begins at 10:15 a.m. and ends at 8:30 p.m. The visiting team circulated through several classrooms, which are adequate in size and have appropriate equipment to support the educational program. The school embraces a model of differentiated instruction for its students that demonstrates a true commitment to understanding the effects of the students' cultural backgrounds on their learning. Students are allowed to work on different tasks that address the same goal. The instructional staff maximizes student engagement by using active learning experiences, using Socratic Circles to promote student interaction and collaboration. Students are taught to become skilled thinkers who have the ability to engage in critical thinking rather than merely memorizing facts.

The school has a gymnasium with weightlifting equipment located on the second level. The school has also recently constructed a new outdoor in-ground swimming pool, which is surrounded by a very tall sheet metal fence for privacy. Staff reported that the pool is not in use at this time. Student access will be limited to periods of time when a staff member certified as a lifeguard is on duty.

The school has adequate materials, equipment and facilities to implement its educational program. Faculty members annually review the curriculum for their classes and request necessary textbooks for the upcoming school year. The professional administration, teaching and support services staffs have the necessary training and skills and are sufficient in number to implement the educational program safely and adequately.

Recommendations:

- *Ensure that procedures are in place to provide a certified lifeguard when the pool is in use.*

(h) The applicant shall provide sufficient evidence of fiscal soundness to operate for the period of approval.

The school has provided an audit conducted by a C.P.A., dated June 30, 2016. The school has also provided its current budget information for the 2017-18 school year. It appears that the Mesivta has the fiscal resources to support its program for the period of the Certificate of Exemption.

Recommendation

Based on the foregoing findings, the Committee recommends a conditional exemption, as follows:

1. To ensure appropriate levels of supervision for the number of students served, it is recommended that the Mesivta not exceed its current enrollment (175) and shall maintain its current levels of personnel involved in teaching, supervising or providing care for

students, including with respect to the allocation of staff assigned to dormitory supervision responsibilities.

2. It is recommended that SDE conduct a site visit at the Mesivta during the term of the exemption.
3. It is recommended that the Mesivta document, and keep records of, instances involving a breach of its policies or procedures relating to supervision, safety or health of students, and how the breach was addressed.
4. The Mesivta should obtain and provide to SDE a final health inspection report from the Town of Durham health inspector for the dining hall, and should continue refraining from using the dining hall for food preparation until receipt of such report.

*This document contains an excerpt from the Regulations of Connecticut State Agencies that specifically concerns the Department of Education. This document is not the official version of the regulations. The official regulations are published by the State of Connecticut, Judicial Branch, Commission on Official Legal Publications in the Connecticut Law Journal. In the event there is inconsistency between this document and the regulations as published in the Connecticut Law Journal, the Connecticut Law Journal publication shall serve as the official version.

Exemption of Educational Institutions from Licensing Requirements by the Department of Children and Youth Services

Sec. 10-8a-1. Authority

(a) These regulations are authorized by Section 10-8a of the Connecticut General Statutes.

(b) Any residential facility which has current State Board of Education approval shall be deemed to be an educational institution exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes, provided that these regulations shall not exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes any facility which maintains a special education program or has or is seeking State Board of Education approval for such program pursuant to Section 10-76d.

(Effective September 1, 1982)

Sec. 10-8a-2. Definitions

(a) "Applicant" means a person, board association partnership, corporation or other entity seeking to operate a facility exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes.

(b) "Board" means the State Board of Education.

(c) "Commissioner" means the Commissioner of Education.

(d) "Conditional Exemption" means the formal action of the State Board of Education relieving a facility from meeting the requirements of Sections 17-48 and 17-51 of the General Statutes for a period of time not to exceed six months.

(e) "Days" means calendar days.

(f) "Denial" means the formal action of the State Board of Education denying to a facility an exemption from the requirements of Sections 17-48 and 17-51 of the General Statutes pursuant to Section 10-8a of the General Statutes.

(g) "Exemption" means the formal action of the State Board of Education relieving a facility from meeting the requirements of Sections 17-48 and 17-51 of the General Statutes pursuant to Section 10-8a of the General Statutes for a stated period of time.

(h) "Institution Exempt From Sections 17-48 and 17-51" means a residential educational facility which provides instructional services to primary and/or secondary school-aged children and which

(1) has current State Board of Education approval, or

(2) has obtained a Certificate of Exemption or a Certificate of Conditional Exemption having met the qualifications contained in the regulations which follow, or

(3) is accredited or approved by an association designated by the State Board of Education as a recognized approval agency, provided that no facility which maintains a special education program and has or is seeking State Board of

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Education approval for such program shall be exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes. A residential facility which provides residential services to primary and/or secondary school-aged children which does not seek and receive State Board of Education approval or has not obtained a Certificate of Exemption or a Certificate of Conditional Exemption shall not be exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes.

(i) "Recognized Approval Agency" means an association or organization which has current State Board of Education approval and grants accreditation or approval to educational facilities.

(Effective September 1, 1982)

Sec. 10-8a-3. Application for non-exempt facilities

(a) No residential facility shall begin or continue operation as an institution exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes until a Certificate of Exemption or a Certificate of Conditional Exemption is obtained from the State Board of Education. Application for a Certificate of Exemption by a facility in operation on or prior to the effective date of these regulations shall be made not more than sixty days following the effective date of these regulations. Application for a Certificate of Exemption by a facility not in operation on or prior to the effective date of these regulations shall be made not less than one hundred and fifty days prior to the date on which the facility is to commence operation. Application shall be made on such forms as the Commissioner shall prescribe.

(b) Application for a Certificate of Exemption is to include but not be limited to the following information:

- (1) the name and mailing address of the facility;
- (2) a list of addresses for each building or site on which the facility is or shall be located;
- (3) a description of the facility's administration including:
 - (A) the names and addresses of all members of the Board of Directors or other governing body;
 - (B) a table or organization of the facility's internal operation;
 - (C) a list of each administrator by name, role, educational background and training;
- (4) a description of the facility's financial management including:
 - (A) the names and addresses of all owners and officers of the facility and of the property on which any part of the facility is located;
 - (B) a copy of the applicant's current certificate of incorporation;
 - (C) a description of the facility's budgetary and accounting process;
 - (D) a list of the amount and types of federal and/or state aid received or anticipated;
 - (E) a description of all insurance plans in effect or planned for the facility;

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- (F) a copy of an audit from the preceeding [sic] year conducted by a certified public accountant for each facility in operation for at least one year;
- (5) copies of all current certificates of local and/or state health, safety, sanitation, fire, zoning and building code approvals;
- (6) a description of dormitory facilities including:
 - (A) the number of students per room and the age range of students per room;
 - (B) the program of supervision and security;
- (7) a copy of contingency plans for the emergency placement of students including but not limited to the return of students to their families upon the summary suspension of a Certificate of Exemption or a Certificate of Conditional Exemption;
- (8) a statement describing any pending legal action which in any way is related to the facility or its property;
- (9) the following disclosure information shall be provided when applicable:
 - (A) if any member of a facility's Board of Directors or other governing body is an employee of a town or regional board of education or a state agency which placed handicapped children, list the name of such individual, his/her role on the Board of Directors, and his/her affiliation in any of the above-named agencies;
 - (B) if an employee of a town or regional board of education or a state agency which places handicapped children has a financial interest or any other interest in the ownership or management of the facility, list the name of each such individual, his/her school district, his/her role in the ownership or management of the facility, and his/her affiliation in any of the above-named agencies;
 - (C) if a facility has enrolled any student(s) from the local, regional or state agency in which the individual(s) above named is employed, state the number of such students enrolled and the name of the district which placed each student;
- (10) a description of all instructional services, support or related service, and extra-curricular activities;
- (11) a list of names, titles, educational background and training of persons assigned or expected to be assigned to the educational program;
- (12) a description of the student body including:
 - (A) the number of students enrolled in the educational program and the number of students enrolled in the residential program or the anticipated numbers of such students;
 - (B) the student age range for admission.
- (C) The Commissioner shall review all applications and may require of the applicant additional information as necessary.
- (d) Notice of any substantial change with regard to any information submitted in the application for a Certificate of Exemption shall be forwarded promptly to the Commissioner.

(Effective September 1, 1982)

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Sec. 10-8a-4. Exemption procedures

(a) Upon receipt of a completed application, the Commissioner shall cause to be conducted an evaluation of the applicant. Within fifteen days following receipt of a completed application, the Commissioner shall appoint an on-site evaluation team and shall notify the applicant in writing of the initiation of the evaluation.

(b) The on-site evaluation shall be conducted by at least one employee of the State Board of Education and at least one other member who is knowledgeable and experienced in the operation of an independent educational institution. The Commissioner may appoint additional on-site evaluators as deemed necessary but in no case shall the on-site evaluation team exceed four persons. The employee of the State Board of Education shall serve as chairperson of the on-site evaluation team. The Commissioner shall provide each evaluator with a copy of the submitted application.

(c) The applicant may challenge any member of the on-site evaluation team for good cause shown. The challenge shall be in writing setting forth the reasons therefor and shall be filed with the Commissioner within seven days following receipt of notice of the appointment of the on-site evaluation team. The Commissioner shall render a decision within seven days of receipt of the challenge.

(d) A statement of evaluation procedures shall be sent to the applicant accompanying the notification of appointment of the on-site evaluation team.

(e) The report of the on-site evaluation team shall be prepared by the chairperson in consultation with each member of the on-site evaluation team. The report shall include the findings of the on-site evaluation team, including commendations and recommendation(s) for improvement, if any, and a recommendation for exemption, conditional exemption or denial. The report shall be submitted to the Commissioner within one hundred and twenty days of the receipt of the completed application.

(f) The Commissioner shall review the report of the on-site evaluation team and may consult with any state agency or assistance. The Commissioner shall submit, in writing, to the State Board of Education, his/her recommendation concerning exemption, conditional exemption, or denial. Following action by the State Board of Education, the applicant shall be informed in writing of the exemption, conditional exemption, or denial of exemption within ten days of the action.

(g) The Commissioner shall be permitted to observe an exempted educational facility at any time upon reasonable notice.

(Effective September 1, 1982)

Sec. 10-8a-5. Exemption criteria

The on-site evaluation team shall review and report to the Commissioner, pursuant to Section 10-8a-4 of these regulations, on the following minimum requirements:

(a) A facility shall have administrative personnel in numbers and training and such policies and operating procedures which shall be in writing and kept current, as are necessary to ensure the health and safety of the students residing at the facility.

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(b) A facility shall maintain and update annually the following information for each student: name, address, name of parent(s) or guardian, attendance, courses of study, grades achieved, participation in extra-curricular activities, and medical records.

(c) As prerequisites for exemption or conditional exemption, a facility shall have current health and sanitation approval by the local department of health, current approval for safety by the local and/or state fire marshals, and upon request a certificate of occupancy and/or zoning approval.

(d) Each student shall be provided with sleeping quarters which are adequate in area, space, and equipment in relation to each student's age and needs. Suitable provisions shall be made for the separation of the sexes. The program of supervision and the security procedures in effect shall ensure the health and safety of the students.

(e) All food preparation and serving areas shall comply with the Administrative Regulations, Section 19-13-B42 of the Public Health Code pursuant to Section 19-13 of the General Statutes.

(f) Each facility shall have procedures to ensure that each student be protected by adequate immunization against diphtheria [sic], pertussis, tetanus, poliomyelitis [sic], measles and rubella before being permitted to attend such facility pursuant to Section 10-204a of the General Statutes. The facility shall provide or arrange for qualified medical care for its students on a twenty-four-hour-a-day, seven-day-a-week basis and have a written plan which specifies the arrangements for the provision of emergency medical care. The facility shall provide a separate area for students in the event of sickness. The facility shall have written procedures to ensure that prescription medication be administered to a student by qualified personnel only upon written order of a licensed physician. All drugs, medicines, and medical instruments shall be kept in a locked cabinet accessible only to designated staff members. All health facilities shall meet all local and state regulations for such facilities.

(g) The educational program of each facility shall provide students with instructional services consistent with the requirements of Section 10-184 of the General Statutes. The instructional services shall be supplemented with materials, equipment and facilities in suitable quantity to implement the educational program. The professional administration, teaching and support services staffs shall have the necessary training and skills and shall be in numerical proportion to implement safely and adequately the educational program.

(h) The applicant shall provide sufficient evidence of fiscal soundness to operate for the period of approval.

(Effective September 1, 1982)

Sec. 10-8a-6. State board of education action

(a) When a facility meets the exemption criteria, the State Board of Education shall issue a Certificate of Exemption stating the duration of that exemption. Such status shall permit a facility to be exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes for the stated period of time. Upon receipt of a Certificate of

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Exemption, the facility shall display clearly the certificate in location visible to students and public. The certificate shall be non-transferable.

(b) When a facility has failed to meet the exemption criteria but such failure is not due to a serious deficiency, the State Board of Education may issue a Certificate of Conditional Exemption. Such status permits a facility to be exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes for a specified period of time within which the noted deficiency or deficiencies shall be corrected. Within thirty days of the issuance of a Certificate of Conditional Exemption, a corrective plan shall be developed by the facility and submitted to the Commissioner. If approved by the Commissioner a timetable shall be established for implementing the corrective plan, a date set on which an on-site evaluation shall occur, and a date set by which time the application for a Certificate of Exemption shall be considered. In no case shall a Certificate of Conditional Exemption extend beyond six months.

(c) When a facility has failed to meet the exemption criteria and such failure is due to a serious deficiency or deficiencies, the State Board of Education shall deny the application for a Certificate of Exemption. Upon denial said facility shall not be exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes.

(d) In the event of denial or conditional exemption, written notice shall be forwarded to the facility within ten days and shall include the reasons therefor. Said facility may request in writing a hearing by the State Board of Education pursuant to Chapter 54 of the General Statutes.

(Effective September 1, 1982)

Sec. 10-8a-7. Renewal of exemption

(a) In order to maintain exemption from the requirements of Sections 17-48 and 17-51 of the General Statutes, an educational institution which has been exempt for less than three consecutive years shall make application annually for renewal of exemption to the State Board of Education, in such manner as it shall prescribe, at least ninety days prior to the date of termination of the most recent Certificate of Exemption. The procedures and evaluation criteria applicable to initial exemption shall be applicable to renewal of exemption except that the requirement of an on-site evaluation is optional at the discretion of the Commissioner but shall occur not less than once every five years.

(b) In order to maintain exemption from the requirements of Sections 17-48 and 17-51 of the General Statutes, an educational institution which has been exempt for at least three consecutive years shall make application for renewal of exemption for an additional period of up to five years to the State Board of Education, in such manner as it shall prescribe, at least ninety days prior to the date of termination of the most recent Certificate of Exemption. The procedures and evaluation criteria applicable to the initial exemption shall be applicable to renewal of exemption except that the requirement of an on-site evaluation is optional at the discretion of the Commissioner but shall occur not less than once every five years.

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Sec. 10-8a-8. Revocation and emergency action

(a) The Commissioner may serve written notice upon an institution exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes indicating that revocation of a Certificate of Exemption or a Certificate of Conditional Exemption is under consideration if the institution:

(1) is alleged to have failed to comply with applicable local and state laws, ordinances, rules and regulations relating to health, safety, sanitation, fire, zoning and building;

(2) is alleged knowingly to have furnished or made any false or misleading statements to the Commissioner in order to obtain or retain a Certificate of Exemption or a Certificate of Conditional Exemption;

(3) is alleged to have failed or refused to admit the Commissioner of the Department of Children and Youth Services or his designee at any time to investigate a case or cases of suspected child abuse.

(b) Upon receipt of such notice an institution exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes may file within five days a written request for administrative review by the Commissioner. The Commissioner shall hold the administrative review and render a decision concerning revocation within ten days of receipt of such request. Notice of the decision shall be sent in writing to the educational institution setting forth the reasons therefor and the right to appeal the decision to the State Board of Education. An Educational institution aggrieved by the decision of the Commissioner may appeal, in writing the State Board of Education within five days following completion of an administrative review setting forth the reasons therefor. The State Board of Education shall hold a hearing to be conducted pursuant to Chapter 54 of the General Statutes within thirty days following receipt of such appeal.

(c) If the Commissioner finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in his/her order, summary suspension of exemption or conditional exemption may be ordered, pursuant to Section 4-182 of the General Statutes, pending proceedings for revocation or other action. Such proceeding shall be promptly instituted and determined, pursuant to Chapter 54 of the General Statutes.

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