




STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION



**TO:** Raymond DuCharme, Chief Administrator  
The Learning Clinic

**FROM:** Colleen Hayles, Education Consultant   
Bureau of Special Education

**DATE:** December 14, 2020

**SUBJECT:** PRELIMINARY EVALUATION REPORT  
Approval Review for a Private Special Education Program

**Please note:** This Approved Private Special Education Program approval review was conducted remotely due to the current public health and safety requirements resulting from the COVID-19 pandemic. All required activities and components, as defined in the *Policies, Procedures and Standards for Approved Private Special Education Programs*, were conducted remotely and in accordance with the approval process.

On November 13, 2020, an evaluation team conducted a virtual site visit review for re-approval of The Learning Clinic (TLC) special education program. The team consisted of:

- Colleen Hayles, Education Consultant, Bureau of Special Education (BSE);
- Sharon Butcher, Education Director, Waterford Country School;
- Laura Klimaszewski, Director of Special Education, Torrington Public Schools.

During a previous virtual site visit on October 23, 2020, Ms. Hayles reviewed education files of five (5) students. In addition, Ms. Hayles reviewed the application materials submitted to the BSE by your administration.

At the exit conference on November 13, 2020, the evaluation team shared its impressions and preliminary findings. The following areas of the special education program have been reviewed:

- Governance;
- Administration;
- Fiscal management;
- Admissions;
- Individual student records;
- Program requirements;
- Evaluation of student progress and reporting responsibilities;
- Student management techniques;
- Qualifications and requirements for instructional, administrative, and support personnel;
- Health and safety; and
- Termination of enrollment.

1. **Commendations:**

- The program provides a predictable, consistent, and purposeful educational environment that affords students with social emotional and clinical support and personalized specialized

instruction as dictated by the individualized education program (IEP). The program implements a model focused on increasing each student’s level of self-confidence, interpersonal skills, and academic success.

- The program implements a schoolwide positive support point system that allows students to recognize and self-assess their individual growth related to personalized goals.
- Each student benefits from an individualized treatment plan that describes behavior interventions that are well articulated and enhance the efficacy of the schoolwide point system. Student progress toward achievement of treatment goals is monitored, well documented, and data driven.
- Students benefit from their own development of a “daily plan” that aims to encourage internal versus external controls—assisting in affirming their abilities and a sense of safety within the program.
- Student engagement is enhanced by a focus on student preference. In addition to activity centers, the program provides a unique variety of engaging activities and resources such as art, drama, music, and technology, as well as, a farm program, equestrian program, wooded campus trails, canoeing, and fly fishing. Additionally, the agency runs a nature center in Maine that provides a wilderness campus for environmental studies.
- The program’s clinicians collaborate with teachers and staff to develop and implement personalized treatment plans for each student. Treatment planning is highly individualized and each student’s progress is monitored through ongoing data collection. Clinician access to the live video feed is seen as a tremendous asset in developing and revising appropriate treatment plans for students.
- Class sizes are small (four–six students) and classrooms present as less traditional environments that provide a calm and welcoming climate for both students and staff.
- Students who were remotely observed appeared to demonstrate an appropriate degree of engagement in the learning process.
- The program’s teachers and clinicians that were interviewed indicated that the program supported a close community and noted ongoing support from the administration related to individual student need as well as responsiveness to staff needs.
- Staff had knowledge of their roles in the processes of implementing the IEP, as well as, the need to coordinate and collaborate with each other in addressing the goals and objectives of the IEPs.
- All instructional areas are equipped with video monitoring which can, among other things, assist administrators, teachers, clinicians, and others to oversee student and staff performance; provide a self-evaluation tool for teachers; contribute to data collection on behavior; and provide insight to all staff when problem solving and resolving identified issues.

- Access to technology remains a priority at the program. In addition to each student having access to a computer within his/her instructional setting, the program is well supported and equipped with state-of-the-art technology that provides for integrated instruction utilizing resources such as an audio and video studio, multiple 3-D printers, and a robotics lab. The access to these resources is available to all teachers and students and allows opportunities for students to integrate newly acquired academic and real-world skills through a variety of theme-based projects across grade levels and content areas.
- Instructional areas that were viewed reflected a welcoming and comfortable classroom environment. Certified staff who are properly trained and certified have access to appropriately secured medication as well as required documentation tools in order to administer medications. A full-time nurse is available to support students and staff in the various buildings and classroom settings.
- Education staff commitment and dedication is illustrated by lengthy tenure and staff identified the level of collaboration and support as a strength.
- Varied and numerous opportunities exist for students in preparation for post-secondary education and/or employment. The opportunities include, but are not limited to, enrollment in community college course work and a variety of local job sites that in some cases lead to paid experiences for students. Students also have opportunities to engage with the greater community and “give back” through volunteer and other community initiatives.
- In its effort to prepare students to live and work within their communities, the program also prioritizes its goal of assisting students to maintain and improve relationships with their parents, siblings, other family members, and within the larger community.

## 2. **Standard Deficiencies:**

The following standard deficiencies must be rectified:

### **Standard B: Administration**

A private facility shall have a written policy to assure that it complies with the provision of the Individuals with Disabilities Education Improvement Act (IDEA), Public Law 108-446; Section 504 of the Rehabilitation Act of 1973; The Family Educational Rights and Privacy Act 20 United States Code Section 1232g; 34 Code of Federal Regulations Part 99, Sections 10-76a to 10-76q, inclusive, of the Connecticut General Statutes (CGS) and the regulations adopted thereunder; Public Act (PA) No. 96-246 (reporting of child abuse); PA No. 11-232 – An Act Concerning the Strengthening of School Bullying Laws; PA No. 12-99 – An Act Concerning the Reporting of Children Placed in Seclusion; and all other relevant federal and state laws and regulations and local requirements.

**Issue:** As required by the CGS Section 10-222c, as amended by PA No. 16-67, each APSEP is required to obtain the information listed on the Connecticut Educational Employer Verification form from all current or former employer(s) of the applicants hired on or after July 1, 2016, if such employer was a local regional board of education, a governing council of a state or local charter school, an interdistrict magnet school operator, or if the employment caused the applicant to have contact with children. Applicants are required under the law to provide a

prospective employer with the name, address, and telephone number of all current or former employers that meet the above criteria. Information may be collected either through a written communication or telephonically.

Of five (5) personnel files reviewed, for three (3) employees who were hired after July 1, 2016, there was no evidence that an employer verification form was completed.

**Corrective Action:** Provide an attestation to BSE that the State of Connecticut Educational Employer Verification form will be obtained for each new employee and that upon obtaining completed forms, the program’s chief administrator or education director will make appropriate contact with previous or current employers.

#### **Standard D: Admissions**

A private facility shall maintain on a permanent file a written description of its admission procedures including: description of all admission criteria; identification of disabling conditions of the students it serves; the age and gender of students it serves; description of the education program; criteria for termination of enrollment; and collaboration with local education agencies (LEAs) to ensure that students placed for non-educational reasons are educated in the least restrictive environment.

**Issue:** TLC has an admission process that does not represent the referral admissions procedures required under the IDEA, state regulation, and the standards governing the APSEPs in Connecticut.

**Issue:** While the diagnostic placement description and procedures outlined in TLC policies and admission materials are in compliance with the process outlined in state regulation and the standards for APSEPs, a review of student files did not demonstrate that a diagnostic placement by the LEA was initiated for the reasons intended and identified in the IDEA. In two instances within the five (5) files reviewed, a diagnostic placement was identified as being conducted to determine the appropriateness of the placement versus for the purpose of determining eligibility or determining appropriate IEP supports, services, and goals and objectives to meet the needs of the student.

**Corrective Action Required:** TLC will submit IEP’s of the next three (3) admissions developed at a planning and placement team (PPT) meeting that comply with the IDEA and state regulation requirements relative to diagnostic placement and the IEP.

#### **Standard F: Program Requirements**

A private facility shall have a written description of the education program for each student and shall have a written curriculum and sufficient instructional materials, supplies, and equipment in accordance with state requirements for educational programs for full implementation of the IEP.

**Issue:** In five (5) of five (5) IEPs reviewed, one (1) or more required elements of the IEP was not accurately reflected or the IEP document was not complete. Errors and omissions included the following:

- In five (5) of five (5) IEPs reviewed, the provider of IEP services identified on page 11 was inaccurate or incomplete (i.e., did not include a general education teacher in addition to

a special education teacher and did not include teacher assistants and/or 1:1 aides as implementers, to address the goals and objectives).

- In four (4) of five (5) IEPs reviewed, page 10 (Special Considerations) was not accurate. When a child's behavior impedes his/her learning or that of others, the PPT must consider the use of positive behavioral interventions and identify the supports and interventions recommended to address the behavior. The "treatment plan" developed for each student to address the therapeutic needs of the student was not indicated. TLC develops, recommends to the PPT, and upon inclusion in the IEP, implements an individual treatment plan for each student. The treatment plan should be identified as "other" on page 10 and included by reference as part of the IEP.
- In four (4) of five (5) IEPs reviewed, the provision of related services such as "counseling" did not accurately reflect the setting of the service by identifying the frequency and duration of 1:1 services versus implementation of goals and objectives within a small group setting.

**Corrective Actions Required:** On or before January 31, 2021, submit a document outlining the process and procedure developed for implementation by the program to review each IEP received from the responsible LEA to ensure that all components of each IEP are accurate and complete.

**Corrective Actions Required:** Provide documentation that a careful review of the district generated IEPs for students enrolled has taken place. Submit to the BSE copies of the next three (3) IEPs provided by the district and reviewed and accepted by the program for implementation.

**Corrective Actions Required:** Submit documentation, as appropriate, that TLC has notified the LEA that the IEP requires revision in order that the program be able to implement a complete and accurate IEP in its full. Submit copies of the next three (3) IEPs developed by the district for implementation by the program along with appropriate notification and a request to the district to make the appropriate changes (as and if needed).

### **Standard I: Qualifications and Requirements for Instructional, Administration and Support Personnel**

1) Each private facility shall ensure that all special education program administrators, instructional, and related services personnel providing special education and related services who were hired after September 1, 1980, shall hold proper state certification, which shall be on file with the State Board of Education; 2) A private facility shall have written personnel policies and job descriptions for its staff; 3) A private facility shall have established procedures for supervising and evaluating the performance of all staff members according to their job descriptions and aligned with the Connecticut Guidelines for Educator Evaluation, which outlines the standards to which all educator evaluation plans in Connecticut must adhere. A private facility must submit an evaluation plan for approval to the CSDE.

**Issue:** One (1) of three (3) licensed counselors who participates in the implementation of the IEPs holds a valid Massachusetts license but does not hold a required license in Connecticut—granted by the Connecticut Department of Public Health.

**Corrective Action Required:** On or before January 31, 2021, submit to the BSE documentation that the identified counselor has a valid license issued by the Department of Public Health in Connecticut.

**Issue:** The job description for the head of school indicates a responsibility to “determine program curriculum,” which is a responsibility limited to the role of the program’s education director.

**Corrective Action Required:** On or before January 31, 2021, submit revised job descriptions for the head of school and the education director that clarifies the appropriate responsibilities assigned.

### **3. Recommendations:**

The following recommendations are offered to TLC:

- Continue to actively recruit to fill the position of education director, which has been recently vacated and whose role is currently being addressed by the current chief administrator. Until such time that the position is filled, it is required that all responsibilities aligned with the position of education director be assigned and completed by the chief administrator who holds the appropriate certification, including, but not limited to, meeting the observation and evaluation requirements of professional staff as outlined in the program’s System for Educator Evaluation and Development plan.
- Conduct an annual review of all relevant material (policies and procedures, staff handbook, parent handbook, etc.) available to staff, parents and LEAs—ensuring they are in compliance with state statute and reflect current best practice.
- Record and maintain an annual compilation of professional development (PD) activities completed by each staff member in his/her individual personnel file. Participation in PD activities is currently recorded and maintained through sign-in sheets.
- Consider enhancing the mechanisms in place for effectively measuring and collecting data on achievement of academic goals and objectives and learning targets, to increase the level of academic rigor and to align with the level of data collection and analysis currently in place to measure social, emotional, and behavioral growth.
- Consider accessing PD for teachers offered through the State Education Resource Center, the Regional Educational Service Centers, and/or other area school districts/personnel that focus on educational benefit, alignment with the state standards, writing measureable goals and objectives, and tools for efficient progress monitoring of academic growth.

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- Consider building an internal structure of regularly scheduled “case reviews” or team meetings enabling staff to convene for collaboration and conduct ongoing reviews of students’ academic and social emotional/behavioral progress.
- Investigate access to available software designed to provide greater ease in collecting, maintaining, and analyzing data related to both academic and social emotional learning targets.

Within 15 working days from the date of this preliminary evaluation report, please indicate in writing to the BSE whether your program agrees with the report and accepts the delineated corrective action plan. Upon receipt of your written agreement and acceptance of the entire report, a recommendation for program approval through June 30, 2024, will be submitted to the Commissioner of Education.

Upon such approval, the following will be applicable to The Learning Clinic:

<b>Approved Ages to Serve:</b>	5-22 years old (Grades K–12)
<b>Approved Student Capacity:</b>	48 students
<b>Approval Expiration Date:</b>	June 30, 2024

cc: Robert LeGary, Ed.D., Education Director