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January 7, 2015

David Armstrong, Administrator
Lakeview Neurorehabilitation Center
244 Highwatch Road
Effingham, NH 03882

Re: Evidence submitted for the Special Monitoring (RSA 186-C: 5) Findings of Noncompliance

Dear Mr. Armstrong:

The New Hampshire Department of Education (NHDOE) Bureau of Special Education (Bureau) is following up on the evidence received on December 16, 2014 regarding the areas of noncompliance identified in the Special Monitoring Findings of Noncompliance letter dated November 12, 2014 for Lakeview Neurorehabilitation Center (Lakeview School).

The evidence to support the required corrective actions has been reviewed and no findings of noncompliance were corrected. Lakeview School continues to be on provisional approval. This means Lakeview School shall not accept any additional students, either students with disabilities from New Hampshire or any other state until the NHDOE removes the provisional approval.

As identified in the December 22, 2014 letter and the December 29, 2014 letter the Bureau has identified additional areas of noncompliance. These additional findings have been included below.

The Bureau has been offering technical assistance through weekly teleconferences from December 10, 2014 to January 28, 2015.

Based on the report completed by the Department of Health and Human Services (DHHS), dated December 2014, and a teleconference interview with Lakeview on December 19, 2014, the NHDOE noted a reference to a vocational skills classroom in the DHHS report. The Bureau questioned Corine Rocco, Director of Education, and Kathy Bergeron, an independent consultant, about the structure of this classroom, as the NHDOE was not aware that this class is being operated under the Lakeview School. The Director of Education confirmed that students from the Lakeview School are attending this class. The NHDOE questioned whether credits were offered for students attending this program, and the Director of Education did not know. Additionally, it was discovered that there are adults over the age of twenty-one attending this program. The NHDOE asked for further information regarding this program. As of January 6, 2015, there has been no information received from Lakeview at the NHDOE regarding this program.

Lakeview School submitted several documents to show evidence of the correction of noncompliance. Although the December 16, 2014 documentation submitted was to meet all areas of noncompliance; during the teleconference on December 19, 2014 Lakeview School asked that we only review the

evidence for the areas of noncompliance that had a corrective action timeline of immediately or one month. The Bureau will honor your request so that the areas of noncompliance with corrective actions timelines of longer than one month can be completed.

Findings of Noncompliance:

Program Approval of Public and Non-Public Programs	
Ed 1126.03(a) All programs operated by LEAs, public academies, private providers of special education, public agencies, and other non-LEA programs shall be approved, utilizing the New Hampshire special education approval process in Ed 1126.02 as determined by the Bureau of Special Education in the department.	
Lakeview School is operating an additional program, High School Life Skills, which is not approved by the NHD OE.	
Action Required: Lakeview School must immediately stop operating the Life Skills Program. Students currently participating in the Life Skills Program must be transitioned to an appropriate program by the sending LEA. <u>The Bureau will review evidence of the corrective action at a subsequent on-site visit.</u>	
Evidence of Correction of Noncompliance Due: at a subsequent on-site visit.	Evidence Received: N/A
Review Status: Finding remains	

Administration	
Ed 1114.04(a)-(g) outlines the mandated written policies for a private provider of special education.	
Lakeview School did not show evidence of written policies that comply with Ed 1114.04 (a)-(g).	
Action Required: Lakeview School must develop written policies that address Ed 1114.04 (a)-(g). Lakeview School's updated, board approved Special Education Policies and Procedures must be provided to the Bureau within 2 months of the date of this letter (November 14, 2014). Also provide the agency's organization chart.	
Evidence of Correction of Noncompliance Due: January 14, 2015	Evidence Received: Not yet received
Review Status: Finding remains	

Limiting the Use of Child Restraint Practices in Schools and Treatment Facilities	
RSA 126:U Limiting the Use of Child Restraint Practices in Schools and Treatment Facilities	
Lakeview School did not provide evidence of complying with RSA 126:U.	
Action Required: Lakeview School must comply by having all the required written policies and notice and record keeping requirements. Lakeview School's updated, board approved Policies and Procedures for implementing RSA 126:U must be provided to the Bureau <u>within 2 months of the date of this letter (November 14, 2014).</u>	
Evidence of Correction of Noncompliance Due: January 14, 2015	Evidence Received: Not yet received
Review Status: Finding remains	

Program Requirements: Curriculum	
Ed 1114.05(g) In each private provider of special education or other non-LEA program, all children with disabilities shall have access to equal educational opportunities within their programs and access to and ability to progress in the general curriculum as required under 34 CFR 300.320.	
The curriculum labelled 2008-2009 Program of Studies does not represent a general curriculum.	
Action Required: Corrective Action: Lakeview School must develop a curriculum for the grades 1-12. The curriculum must be provided to the Bureau <u>within 2 months of the date of this letter (November 14, 2014).</u>	
Evidence of Correction of Noncompliance Due: January 14, 2015	Evidence Received: Not yet received
Review Status: Finding remains	

Behavior Interventions	
Ed 1114.07 (b) Each private facility or other non-district program shall have a written statement of the policies and procedures followed by the program in managing student behavior. This statement shall be provided to the sending LEA and the parent at the time each child with a disability becomes enrolled in the program, at the time of the annual review of the child's educational progress, and any time the facility or non-district program's policies and procedures for managing behavior are revised.	
Lakeview School did not provide evidence of written policies and procedures for managing student behavior nor did the Bureau observe any procedures.	
Action Required: Lakeview School is to develop written policies and procedures for managing student behavior. Lakeview School must train all school staff on the written policies and procedures and show evidence to the Bureau of who participated in the training as well as the content of the training. In addition, Lakeview School must show evidence that the written policies and procedures are provided to each sending LEA and each parent. The updated, board approved written policies and procedures; the training agenda and staff sign-in sheet; and evidence of the policies being provided to sending LEAs and parents must be provided to the Bureau <u>within 2 months of the date of this letter (November 14, 2014).</u>	
Evidence of Correction of Noncompliance Due: January 14, 2015	Evidence Received: Not yet received
Review Status: Finding remains	

Suspected Instances of Abuse	
Ed 1114.07(e) Each private facility or other non-district program shall have a written procedure based on state and federal law concerning the reporting of suspected instances of child abuse.	
Lakeview School did not provide evidence of written policies and procedures for reporting abuse and neglect to either the Division for Children and Youth or the Bureau of Elderly and Adult Services. The statement on the BET form appears to be a barrier to complying with the state statute for mandated reporting since Lakeview School is required by this form to report to two individuals.	
Action Required: Lakeview School is to immediately develop written policies and procedures for reporting suspected abuse and neglect to Division for Children and Youth and Bureau of Elderly and Adult Services. Lakeview School must immediately revise the BET form to comply with the state statute. The board approved written policies and procedures for reporting suspected abuse and the updated BET form must be provided to the Bureau <u>within 2 months of the date of this letter (November 14, 2014).</u>	
Evidence of Correction of Noncompliance Due: January 14, 2015	Evidence Received: Not yet received
Review Status: Finding remains	

Program Requirements: Certification and Licensure	
<p>Ed 1114.05(j) All administrative, instructional, and related service staff shall hold appropriate certification or licensure for the position in which they function as required by the State of New Hampshire, and other licensing entities. The determination of credentials required shall be made by the department.</p> <p>Ed 1114.10(a) All administrative, instructional, and related service staff shall hold appropriate certification for the position in which they function as required by the State of New Hampshire or other licensing entity evidence of such qualification shall be on record with the program.</p> <p>Lakeview School did not provide evidence that all administrative, instructional, and related service staff hold appropriate certification. There also was no evidence of what position individuals were hired for including the position of substitute teacher.</p>	
<p>Action Required: Lakeview School must provide a complete personnel roster of all administrative, instructional, and related service staff including consultants and the certification they hold, the date that the certification expires and the role that they are hired for. The complete personnel roster must be provided to the Bureau <u>within one month of the date of this letter (November 14, 2014)</u>. Also include evidence of the contract of Andy Anderson's work for Lakeview School including whether or not school districts are aware of his work.</p>	
<p>Evidence of Correction of Noncompliance Due: December 14, 2014</p>	<p>Evidence Received: December 16, 2014. Evidence of correction of noncompliance was not provided within the established timeline.</p>
<p>Review Status: As of January 7, 2015, Lakeview School has not shown evidence of correction of the noncompliance. This area continues to be a finding of noncompliance</p>	

- **Required action: Submit complete personnel roster to the Bureau.**
 - Evidence submitted by Lakeview School to address the required action:
 - Personnel rosters for school personnel and contracted services personnel were received on December 16, 2014. All rosters are dated October 29, 2014. Three staff appear both on the school personnel roster and on the contracted services roster. There are multiple staff mentioned in the training documents as working directly with students who do not appear on any of the personnel rosters.
 - Copies of certifications for school personnel and contracted services personnel were received on December 16, 2014. Some of the copies are unreadable. Not all certified staff on the personnel rosters have copies of their certifications provided.
- **Required action: Submit a copy of Andy Anderson's contract**
 - Evidence submitted by Lakeview School to address the required action:
 - A copy of Andy Anderson's contract was received on December 16, 2014. The copy not signed by Andy Anderson and is written as effective for one year starting March 11, 2011.

Qualifications and Requirements for Instructional, Administrative, and Support Personnel Employee and Volunteer Background Investigations	
Ed 1114.10(f) Each private provider of special education or other non-LEA program shall complete a background investigation and a criminal history records check on every selected applicant prior to employment consistent with Ed 1114.11.	
Ed 1114.11(a) Each private provider of special education or other non-LEA program, including any individual providing direct services to the student pursuant to Ed 1126.05, shall complete a background investigation, consistent with the provisions of RSA 189:13-a, prior to a final offer of employment.	
Action Required: When Lakeview School provides a complete personnel roster of all administrative, instructional, and related service staff including consultants and the certification they hold, the date that the certification expires and the role that they are hired for; Lakeview School must also provide evidence that criminal history records checks were completed.	
Evidence of Correction of Noncompliance Due: December 14, 2014	Evidence Received: December 16, 2014. Evidence of correction of noncompliance was not provided within the established timeline.
Review Status: As of January 7, 2015, Lakeview School has not shown evidence of correction of the noncompliance. This area continues to be a finding of noncompliance	

- **Required action: Provide evidence of criminal history checks for complete personnel rosters.**
 - Evidence submitted by Lakeview School to address the required action:
 - Copies of criminal history checks were received on December 16, 2014. Criminal history checks were not found for all personnel listed on the school personnel and contracted services personnel rosters. A criminal history check was included for a person not listed on the personnel rosters.

Copies of the IEP and Evidence of Implementation	
Ed 1109.04(a) The LEA shall provide each teacher and service provider listed as having responsibilities for implementing the IEP with a copy of the complete IEP for working and monitoring purposes. In addition, the LEA shall provide a private school or non-LEA provider responsible for implementing the IEP with a copy of the IEP on or before the first day of the placement.	
Action Required: Lakeview School must ensure that each teacher and service provider listed as having responsibilities for implementing the IEP receives a copy of the complete IEP for working and monitoring purposes. Evidence of this corrective action must be provided to the NHDOE <u>within one month of the date of this letter (November 14, 2014).</u>	
Evidence of Correction of Noncompliance Due: December 14, 2014	Evidence Received: No evidence received. Evidence of correction of noncompliance was not provided within the established timeline.
Review Status: As of January 7, 2015, Lakeview School has not shown evidence of correction of the noncompliance. This area continues to be a finding of noncompliance	

- **Required action: Provide evidence that each teacher and service provider listed as having responsibilities for implementing the IEP receive a copy of the complete IEP.**
 - Evidence submitted by Lakeview School to address the required action:
 - No evidence received.

Additional Finding of Noncompliance determined on December 22, 2014

Program Approval of Public and Non-Public Programs	
Ed 1126.03(a) All programs operated by LEAs, public academies, private providers of special education, public agencies, and other non-LEA programs shall be approved, utilizing the New Hampshire special education approval process in Ed 1126.02 as determined by the Bureau of Special Education in the department.	
Lakeview School is operating an additional program, Interim Alternative Placement, which is not approved by the NHDOE.	
Action Required: Lakeview School must immediately stop operating the Interim Alternative Placement Program. Students currently participating in the Interim Alternative Placement Program must be transitioned to an appropriate program by the sending LEA. Lakeview School must provide evidence <u>within forty-five (45) days</u> (letter dated December 22, 2014) that placement meetings were held and students were removed from this placement.	
Evidence of Correction of Noncompliance Due: February 5, 2015	Evidence Received: December 30, 2014
Review Status: As of January 7, 2015 evidence has been submitted that resolves this finding.	

- **Required action: Lakeview School must provide evidence within forty-five (45) days that placement meetings were held and students were removed from this placement.**
 - Evidence submitted by Lakeview School to address the required action:
 - A letter was received December 30, 2014 from Lakeview School that stated the Interim Alternative Placement is not a program at Lakeview School and there are no students participating. Interim Alternative Placement Program has been removed from all marketing materials.

Additional Finding of Noncompliance determined on December 29, 2014

Child Care	
Ed 1114.17(a) The day care and residential components of all private providers of special education or other non-LEA programs shall meet all applicable federal, state, and local rules governing the day and residential care of children with disabilities.	
Lakeview School is operating an unlicensed residential component to their special education programs.	
Action Required: Lakeview must submit a current license immediately to correct this area of noncompliance.	
Evidence of Correction of Noncompliance Due: immediately	Evidence Received: Not yet received
Review Status: Finding remains	

Additional Finding of Noncompliance determined on December 19, 2014

Program Approval of Public and Non-Public Programs	
Ed 1126.03(a) All programs operated by LEAs, public academies, private providers of special education, public agencies, and other non-LEA programs shall be approved, utilizing the New Hampshire special education approval process in Ed 1126.02 as determined by the Bureau of Special Education in the department.	
Lakeview School is operating an additional program, a vocational skills classroom, which is not approved by the NHDOE.	
Action Required: Lakeview School must immediately stop operating the vocational skills classroom. Students currently participating in the vocational skills classroom must be transitioned to an appropriate program by the sending LEA. <u>The Bureau will review evidence of the corrective action at a subsequent on-site visit.</u>	
Evidence of Correction of Noncompliance Due: at a subsequent on-site visit.	Evidence Received: N/A
Review Status: Finding remains	

If you have any questions regarding this matter, please feel free to contact me directly at 271-6693.

Sincerely,



Santina Thibedeau
Administrator, Bureau of Special Education
State Director of Special Education

cc: Corinne Rocco, Director of Education
NHDOE File