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January 26, 2015

Tina Trudel, Chief Operating Officer
 Lakeview Neurorehabilitation Center
 244 Highwatch Road
 Effingham, NH 03882

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

Dear Dr. Trudel:

The New Hampshire Department of Education (NHDOE) Bureau of Special Education (Bureau) is following up on the evidence received on January 21, 2015. This evidence is to address areas of identified in the Special Monitoring Findings of Noncompliance letter dated January 7, 2015.

The evidence to support the required corrective actions has been reviewed. One finding has been resolved. All other findings of noncompliance remain. Based on the lack of correction of noncompliance 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.

Lakeview School submitted to the Bureau their complete policies and procedures manual. In reviewing the complete manual and pursuant to Ed 1114.04(b) the Bureau has identified additional findings of noncompliance. These additional findings have been included below.

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 NHDOE. | |
| 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: December 16, 2014. Evidence of correction of all instances of noncompliance were not provided. |
| Review Status: As of January 26, 2015, Lakeview School has not shown evidence of correction of the noncompliance. This area continues to be a finding of noncompliance. | |

- **Required action: Lakeview School must immediately stop operating the Life Skills program**
 - Evidence submitted by Lakeview School to address the required action:
 - Evidence will be reviewed at a subsequent on-site visit.
- **Required action: Students currently participating in the Life Skills Program must be transitioned to an appropriate program by the sending LEA**
 - Evidence submitted by Lakeview School on December 16, 2014 to address the required action:
 - Lakeview School submitted a spreadsheet listing students, Parent Guardian Names, Parent Phone, Parent Email, LEA Contact Name, LEA Phone, LEA Email, Teacher and Notes. Many of the notes list "Left Message. No call back at this time". These notes do not indicate that all students have been transitioned to an appropriate program by the sending LEA.
 - Evidence submitted by Lakeview School on January 21, 2015 to address the required action:
 - No evidence submitted.

| Administration | |
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| 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 <u>within 2 months of the date of this letter (November 14, 2014)</u> . Also provide the agency's organization chart. | |
| Evidence of Correction of Noncompliance Due: January 14, 2015 | Evidence Received: December 16, 2014. Evidence of correction of noncompliance for Ed 1114.04(a) and Ed 1114.04(b) continues to be noncompliant. Evidence of correction of noncompliance was not provided within the established timeline. |
| Review Status: As of January 26, 2015, Lakeview School has not shown evidence of correction of the noncompliance. This area continues to be a finding of noncompliance. | |

- **Required action: develop written policies that address Ed 1114.04 (a)-(g).**
 - Evidence submitted by Lakeview School on December 16, 2014 to address the required action:
 - Lakeview School's Policies and Procedures, adopted by the Board of Directors effective December 12, 2014 were received on December 16, 2014.
 - The evidence provided does not demonstrate fiscal accountability through regular recording of its finances and an annual external audit consistent with the requirements in Ed 1114.04(a)
 - The review of Lakeview School's policies and procedures shows noncompliance with the requirements of IDEA and RSA 186-C as stated in Ed 1114.04(b)
 - The review of Lakeview's policies and procedures shows compliance with Ed 1114.04(c)
 - The review of Lakeview's policies and procedures shows compliance with Ed 1114.04(d)
 - The review of Lakeview's policies and procedures shows compliance with Ed 1114.04(e)
 - The review of Lakeview's policies and procedures shows compliance with Ed 1114.04(f)
 - The Bureau of Credentialing confirms Lakeview School has a professional development plan good through June 30, 2016 in compliance with Ed 1114.04(g).

- o Evidence submitted by Lakeview School on January 21, 2015 to address the required action:
 - Lakeview Schools' Policies and Procedures that were submitted on January 21, 2015 did not have evidence of board approval. These policies and procedures were not reviewed for evidence of correction of noncompliance.
- **Required action: Submit the agency's organization chart**
 - o Evidence submitted by Lakeview School on December 16, 2014 to address the required action:
 - No evidence submitted
 - o Evidence submitted by Lakeview School on January 21, 2015 to address the required action:
 - No evidence submitted

| Limiting the Use of Child Restraint Practices in Schools and Treatment Facilities | |
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| 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: December 16, 2014 Evidence of correction of all instances of noncompliance was not provided within the established timeline. |
| Review Status: As of January 26, 2015, Lakeview School has not shown evidence of correction of the noncompliance. This area continues to be a finding of noncompliance. | |

- **Required action: Submit updated, board approved policies and procedures for implementing RSA 126:U**
 - o Evidence submitted by Lakeview School on December 16, 2014 to address the required action:
 - Lakeview School's Policies and Procedures, adopted by the Board of Directors effective December 12, 2014 were received on December 16, 2014. Lakeview School's Policies and Procedures are not in compliance with RSA 126:U. The physical management component advised the use of restraints if "any other behavior management intervention delineated in the BIP have not had a calming effect on the potentially harmful behavior". This matter has been referred to the Division of Program Support, Education Investigation.
 - o Evidence submitted by Lakeview School on January 21, 2015 to address the required action:
 - Lakeview Schools' Policies and Procedures that were submitted on January 21, 2015 did not have evidence of board approval. These policies and procedures were not reviewed for evidence of correction of noncompliance.

| Program Requirements: Curriculum | |
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| 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: December 16, 2014 Evidence of correction of noncompliance was not provided within the established timeline. |
| Review Status: As of January 26, 2015, Lakeview School has not shown evidence of correction of the noncompliance. This area continues to be a finding of noncompliance. | |

- **Required action: Submit Lakeview School's curriculum for grades 1-12**
 - Evidence submitted by Lakeview School on December 16, 2014 to address the required action:
 - Lakeview School's Curriculum for grades K-12 as received on December 16, 2014. Provided in the documents were the Common Core Standards and strands for each content area. This is not a curriculum. Curriculum, as defined by Ed 1102.01(aa) means all of the courses and other educational opportunities offered by the responsible local education agency.
 - During the January 14, 2015 phone discussion the NHDOE asked for a list of high school coursed. As of January 26, 2015 there is no evidence of high school course work for the completion of a diploma.
 - During the phone discussion on January 14, 2015 it was discussed that the Bureau would verify Lakeview School's curriculum for grades 1-12 at a subsequent on-site visit.

| Behavior Interventions | |
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| 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: December 16, 2014. Evidence of correction of all instances of noncompliance was not provided within the established timeline. |
| Review Status: As of January 26, 2015, Lakeview School has not shown evidence of correction of the noncompliance. This area continues to be a finding of noncompliance. | |

- **Required action: Submit updated, board approved policies and procedures for managing student behavior**
 - Evidence submitted by Lakeview School on December 16, 2014 to address the required action:
 - Lakeview School's Policies and Procedures, adopted by the Board of Directors effective December 12, 2014 were received on December 16, 2014. The statement regarding managing student behavior does not provide a description of how Lakeview School manages behavior.
 - Evidence submitted by Lakeview School on January 21, 2015 to address the required action:
 - Lakeview Schools' Policies and Procedures that were submitted on January 21, 2015 did not have evidence of board approval. These policies and procedures were not reviewed for evidence of correction of noncompliance.
- **Required action: Submit evidence to the Bureau that all school staff were trained on the written policies and procedures as well as the content of the training**
 - Evidence submitted by Lakeview School on January 21, 2015 to address the required action:
 - The training submitted is not based on the current NH Rules for the Education of Children with Disabilities, Amended as of May 15, 2014 or RSA 126:U. The rules referenced in the training refer to previous versions of the NH Rules. The training also advises using Aversive Behavioral Interventions if authorized in writing by a physician and an IEP team. This statement refers to a previous version of the NH Rule and is not in compliance with the current NH Rules.
- **Required action: Submit evidence that the written policies and procedures were provided to each sending LEA and each parent**
 - Evidence submitted by Lakeview School on January 21, 2015 to address the required action:
 - No evidence submitted

| Suspected Instances of Abuse | |
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| <p>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.</p> <p>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.</p> | |
| <p>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></p> | |
| <p>Evidence of Correction of Noncompliance Due: January 14, 2015</p> | <p>Evidence Received: December 16, 2014. Evidence of correction of all instances of noncompliance was not provided within the established timeline.</p> |
| <p>Review Status: As of January 26, 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 updated, board approved policies and procedures for reporting suspected abuse and neglect to Division for Children and Youth and Bureau of Elderly and Adult Services**
 - Evidence submitted by Lakeview School on December 16, 2014 to address the required action:
 - Lakeview School's Policies and Procedures, adopted by the Board of Directors effective December 12, 2014 were received on December 16, 2014. These policies and procedures state that reporting must be done no later than the next working day to the Division for Children, Youth and Families Central Intake. Lakeview Schools' policies and procedures also make no mention of reporting instances of abuse to the Bureau of Elderly and Adult Services.
 - Also provided December 16, 2014 was a document that stated the procedure for mandated reporting protocols which contradicted the information given in the policies and procedures by stating that if you suspect/observe abuse neglect, or exploitation you must notify a supervisor immediately.
 - Evidence submitted by Lakeview School on January 21, 2015 to address the required action:
 - Lakeview Schools' Policies and Procedures that were submitted on January 21, 2015 did not have evidence of board approval. These policies and procedures were not reviewed for evidence of correction of noncompliance.
- **Required action: Submit BET form that complies with the state statute.**
 - Evidence submitted by Lakeview School on January 21, 2015 to address the required action:
 - No evidence submitted

| Program Requirements: Certification and Licensure | |
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| 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. | |
| 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. | |
| 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. | |
| 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. | |
| 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. As of January 26, 2015, Lakeview School has not shown evidence of correction of the noncompliance. This area continues to be a finding of noncompliance. | |

- **Required action: Submit complete personnel roster to the Bureau.**
 - Evidence submitted by Lakeview School on December 16, 2014 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.
 - Evidence submitted by Lakeview School on January 21, 2015 to address the required action:
 - Personnel rosters for school personnel and contracted services personnel were received on January 21, 2015. There are staff mentioned on the training documents submitted January 21, 2015 who do not appear on the personnel rosters.
 - Copies of certifications for school personnel and contracted services personnel were received on January 21, 2014. One certificate was expired.
- **Required action: Submit a copy of Andy Anderson's contract**
 - Evidence submitted by Lakeview School on December 16, 2014 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.
 - Evidence submitted by Lakeview School on January 21, 2015 to address the required action:
 - A copy of Andy Anderson's signed contract was received on January 21, 2015. The legal name on the contract does not match the legal name listed on the background check provided with the contract.

| Qualifications and Requirements for Instructional, Administrative, and Support Personnel Employee and Volunteer Background Investigations | |
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| 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. As of January 26, 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 on December 16, 2014 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.
 - Evidence submitted by Lakeview School on January 21, 2015 to address the required action:
 - Copies of criminal history checks were received on January 21, 2015. Criminal history checks were not found for those personnel listed on the training documents that were not included on the personnel rosters.

| Copies of the IEP and Evidence of Implementation | |
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| 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. As of January 26, 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 on December 16, 2014 to address the required action:
 - No evidence received. In the table of contents received with the documents on December 16, 2014 Section 8 is listed as containing Copies of IEP and Evidence of Implementation. This section was not found in the documents provided.
 - Evidence submitted by Lakeview School on January 21, 2015 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 | |
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| 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 on December 30, 2014 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 | |
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| 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. Evidence of correction of noncompliance was not provided within the established timeline. |
| Review Status: Finding remains | |

- **Required action: Submit current residential license**
 - Evidence submitted by Lakeview School on December 29, 2014 to address the required action:
 - No evidence submitted
 - Evidence submitted by Lakeview School on January 21, 2015 to address the required action:
 - No evidence submitted

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 | |

- **Required action: Lakeview School must immediately stop operating the vocational skills classroom.**
 - Evidence submitted by Lakeview School to address the required action:
 - Evidence will be reviewed at a subsequent on-site visit.
- **Required action: Students currently participating in the vocational skills classroom must be transitioned to an appropriate program by the sending LEA**
 - Evidence submitted by Lakeview School to address the required action:
 - Evidence will be reviewed at a subsequent on-site visit.

Additional Finding of Noncompliance determined on January 26, 2015

| New Hampshire Rules for the Education of Children with Disabilities | |
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| Lakeview Schools Policies and Procedures reference NH Rules June 2008. The New Hampshire Rules for the Education of Children with Disabilities were amended as of December 1, 2010 and again amended as of May 15, 2014. | |
| Action Required: Lakeview School must develop written policies that reference the NH Rules amended May 15, 2014. Lakeview School's updated, board approved Special Education Policies and Procedures must be provided to the Bureau <u>within 2 months of the date of this letter (January 26, 2015)</u> | |
| Evidence of Correction of Noncompliance Due: March 26, 2015 | Evidence Received: Not yet received |
| Review Status: Finding remains | |

| New Hampshire Rules for the Education of Children with Disabilities | |
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| P.L. 111-256, Rosa's Law, Mental Retardation to Intellectual Disability, effective October 5, 2010. | |
| Lakeview School's Policies and Procedures contain the term "Mental Retardation" | |
| Action Required: Lakeview School must develop written policies that use the term "Intellectual Disability". Lakeview School's updated, board approved Special Education Policies and Procedures must be provided to the Bureau <u>within 2 months of the date of this letter (January 26, 2015)</u> | |
| Evidence of Correction of Noncompliance Due: March 26, 2015 | Evidence Received: Not yet received |
| Review Status: Finding remains | |

| Behavioral Interventions | |
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| <p>Ed 1114.07(c) A private facility or other non-district program shall not employ any measure which is aversive or depriving in nature or which subjects a child with a disability enrolled in that program to humiliation or unsupervised confinement or to abuse or neglect as defined in RSA 169-C, the Child Protection Act, or which deprives the child of basic necessities such as nutrition, clothing, communication, or contact with parents, so as to endanger the child's mental, emotional, or physical health consistent with Ed. 1114.07.</p> <p>Lakeview School's Policies and Procedures state "The Lakeview School ensures that all crisis or emergency intervention procedures that include aversive behavior interventions are included in the students' IEP's and comply with Ed 1114.07 except as detailed in Ed 1114.09." Ed 1114.09 is RESERVED in the current NH Rules as the aversive behavior language was removed in May 2014. Lakeview School's Policies and Procedures cannot use aversive behavior interventions.</p> | |
| <p>Action Required: Lakeview School must develop written policies that comply with Ed 1114.07(c). Lakeview School's updated, board approved Special Education Policies and Procedures must be provided to the Bureau <u>within 2 months of the date of this letter (January 26, 2015)</u>.</p> | |
| <p>Evidence of Correction of Noncompliance Due: March 26, 2015</p> | <p>Evidence Received: Not yet received</p> |
| <p>Review Status: Finding remains</p> | |

| New Hampshire Rules for the Education of Children with Disabilities | |
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| <p>Ed 1126.02(b) The department shall approve public and non-public programs for children with disabilities through a monitoring process, including but not limited to on-site visit(s) and examination of written documentation, by reviewing the following:</p> <p>(3) Policies and procedures, including:</p> <ul style="list-style-type: none"> a. Procedures for handling confidential information; b. Due process guarantees; c. Least restrictive environment processes; d. Child find activities; e. Non-discriminatory testing practices; and f. IEPs; <p>Lakeview School's Policies and Procedures do not mention or explain due process or non-discriminatory testing practices.</p> | |
| <p>Action Required: Lakeview School must develop written policies that address Ed 1126.02(b)(3) Lakeview School's updated, board approved Special Education Policies and Procedures must be provided to the Bureau <u>within 2 months of the date of this letter (January 26, 2015)</u>.</p> | |
| <p>Evidence of Correction of Noncompliance Due: March 26, 2015</p> | <p>Evidence Received: Not yet received</p> |
| <p>Review Status: Finding remains</p> | |

Responsibilities of Private Providers of Special Education or Other Non-LEA Programs in the Implementation of IEPs

Ed 1114.06(a) Each private provider of special education or other non-LEA program shall, in all matters concerning possible changes and/or modifications in the identification, evaluation, development and/or revision of an IEP, or changes in placement of a child with a disability, contact the sending school district for the purpose of initiating the process for changing any of the above in compliance with Ed 1109.05.

(c) Each private facility or other non-district program shall provide all transportation required for the implementation of any IEP, or portion of any IEP, which the program has agreed to implement.

(d) The private facility or other non-district program shall provide transportation in accordance with Ed 1109.02.

(e) All vehicles providing transportation for students shall be insured as provided in Ed 1114.19(c)(2) and 1129.08(ak).

(f) Daily lesson plans shall be clear, concise, and reflective of the IEP goals for each child. They shall reflect any staff input and related reports and evaluations provided by the agencies responsible for the student's education and welfare.

(i) If a private provider of special education or other non-LEA program determines that any child with a disability placed at the facility or program is not making progress toward meeting his or her IEP goals at the rate anticipated, the facility or program shall immediately contact the LEA for the purpose of reviewing the IEP and considering modifications.

Lakeview School's Policies and Procedures do not contain descriptions of any of the preceding.

Action Required: Lakeview School must develop written policies that address Ed 1114.06(a), (c)-(f), (i). 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 (January 26, 2015).

Evidence of Correction of Noncompliance Due:
 March 26, 2015

Evidence Received:
 Not yet received

Review Status: Finding remains

Physical Facilities

Ed 1114.16(d) Each private provider of special education or other non-LEA program shall have written procedures to protect children from hazards such as:

- (1) The presence of asbestos;
- (2) The presence of lead paint;
- (3) Storage of hazardous materials;
- (4) Garbage disposal;
- (5) Vermin infestation;
- (6) Storage of food;
- (7) Storage of medicines; and
- (8) Any unsafe access to electrical, plumbing, and heating systems.

(e) A private facility or other non-LEA program shall have a policy that ensures that bathrooms, classrooms, and other areas where children spend time at the facility, are regularly cleaned to maintain health and sanitation.

Lakeview School's Policies and Procedures refer to Lakeview Neurorehabilitation Environmental Management Policy and Procedures Section 7 however that policy was not included with the Lakeview School's Policies and Procedures. For Ed 1114.16(e) Lakeview School's policies and procedures state they have a policy but no description of policy is provided.

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| Action Required: Lakeview School must develop written policies that address Ed 1114.16(d)-(e). Lakeview School's updated, board approved Special Education Policies and Procedures must be provided to the Bureau <u>within 2 months of the date of this letter (January 26, 2015)</u> . | |
| Evidence of Correction of Noncompliance Due: March 26, 2015 | Evidence Received: Not yet received |
| Review Status: Finding remains | |

| Health and Medical Care | |
|--|---|
| Ed 1114.18(a) Each private provider of special education or other non-LEA program shall have written procedures to ensure that children with disabilities receive prompt and competent medical attention in the event of injury or illness while at the program or while participating in any program or activity while in the custody of the program. | |
| (c) Each private provider of special education or other non-LEA program shall have formulated written policies and procedures regarding the use and administration of medicine to children in compliance with state law and rules. Medication shall be dispensed only under medical order. | |
| Lakeview School's Policies and Procedures "ensure that it has a written procedure" but does not provide a description of what that procedure is. | |
| Action Required: Lakeview School must develop written policies that address Ed 1114.18 (a) and (c). Lakeview School's updated, board approved Special Education Policies and Procedures must be provided to the Bureau <u>within 2 months of the date of this letter (January 26, 2015)</u> . | |
| Evidence of Correction of Noncompliance Due: March 26, 2015 | Evidence Received: Not yet received |
| Review Status: Finding remains | |

| Photography and Audio or Audio-Visual Recording | |
|--|---|
| Ed 1114.20(a) Each private provider of special education or other non-LEA program shall have written policies and procedures regarding the photographing and audio or audio-visual recordings of children in care. | |
| (b) The written consent of the child's parent shall be obtained before the child is photographed or recorded. | |
| Lakeview School's Policies and Procedures "ensure that it has a written procedure" but does not provide a description of what that procedure is. | |
| Action Required: Lakeview School must develop written policies that address Ed 1114.20 (a) and (b). Lakeview School's updated, board approved Special Education Policies and Procedures must be provided to the Bureau <u>within 2 months of the date of this letter (January 26, 2015)</u> . | |
| Evidence of Correction of Noncompliance Due: March 26, 2015 | Evidence Received: Not yet received |
| Review Status: Finding remains | |

| Emergency Planning and Preparedness | |
|--|---|
| Ed 1114.21 (a) Each private provider of special education or other non-LEA program shall have written procedures for staff and children to follow in case of emergency. These procedures shall be developed with the assistance of state or local fire and safety personnel and shall include provisions for the evacuation of buildings and assignment of staff during emergencies. | |
| Lakeview School's Policies and Procedures do not provide a description of the procedure. | |
| Action Required: Lakeview School must develop written policies that address Ed 1114.21 (a) 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 (January 26, 2015) | |
| Evidence of Correction of Noncompliance Due: March 26, 2015 | Evidence Received: Not yet received |
| 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: David Armstrong, Administrator
Corinne Rocco, Director of Education
NHDOE File