

**New Hampshire
Department of Education
Bureau of Special Education Support
Monitoring Review for Approval of
Private Provider Special Education
Programs**

**The Birchtree Center
Summary Report
2023 - 2024**

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Overview of the Birchtree Center Program

The Birchtree Center program is an intensive, year round (221 days), New Hampshire Department of Education (NHED), Bureau of Special Education Support (Bureau) Approved Special Education Program located at 215 Commerce Way, Suite 300 in Portsmouth, New Hampshire. The program grants a certificate of completion and has the capacity for up to 36 students (both in state and out of state) of all genders in grades P, K-12 with a primary educational disability of Autism, Developmental Delay, or Multiple Disabilities (of which one is Autism).

Grounded in their mission to “promote independence, engaging relationships, and productive lives for children and youth with autism at home, at school, and in the community,” Birchtree Center focuses on the development of communication, social, academic, behavioral, and life skills necessary for students to live full and productive lives.

With a commitment to full inclusion whenever possible, Birchtree Center works in partnership with students, families, schools, and agencies to develop comprehensive, individualized education and therapeutic programs. The program is data-driven and based on the principles of Applied Behavior Analysis (ABA), which is seamlessly implemented throughout each student’s school day.

Instructional areas provided at Birchtree Center include Academics, Communication & Social Skills, Self-Care & Hygiene, Mobility & Fitness, Behavior & Self-Regulation, Vocational & Independent Living Skills, and Leisure Skills & Community Participation. All staff are trained and skilled in ABA, special education, occupational therapy techniques, and augmentative and alternative communication systems to support each student’s ability to generalize skills throughout the day at school, in the community and at home.

At Birchtree Center each student’s program is designed to suit his or her own strengths, challenges, and circumstances with a focus on building strong foundational skills, developing strategies for working through challenges, and facilitating functional communication systems. To assist with the generalization of skills and relationship building, clinical instructors work with students in their classrooms in two-hour blocks providing students the opportunity to work with several instructors and service providers each day. Being centrally located in Portsmouth, students at Birchtree Center have opportunities to interact with the local community, providing them with real-life experiences.

Students 14 years old and older participate in the Students Achieving Independence for Life (SAIL) activities where they receive hands-on instruction in vocational skills, community participation, lifelong learning, and independent living. SAIL activities teach students the skills essential for living productive lives at home, at school, and in the community. Through volunteering at local businesses and participating in community service projects, students learn how to give back to their community while gaining practical workplace experience necessary to maximize independence and productivity in adulthood.

The leadership team at The Birchtree Center consists of the Executive Director, Director of Student Services, Outreach Program Director, Clinical Director, Human Resources Director, Director of Finance and Director of Development & Community Relations. In addition, The Birchtree Center employs Board Certified Behavior Analysts, Special Educators, Speech-Language Pathologists, Occupational Therapists, a Transition Coordinator, Registered Nurse, and 1:1 Support Staff.

Program Strengths and Notable Achievements and Recommended Preventive Actions

Program Strengths and Notable Achievements

During the monitoring visit, it had been revealed that the **Birchtree Center** program includes several practices in their teaching, lessons, and expectations which are noteworthy. Such practices include:

- Utilizing the Catalyst ABA Data Collection Software to collect consistent and timely student data to determine progress and make any necessary changes to programming.
- A family portal which parents can access at any time to review their student's behavior data.
- Creating individual student schedules each morning to ensure student needs are met every day.
- Multiple ways and opportunities for the leadership team to show respect and support for the staff including artistically displaying throughout the school building the program's philosophy, "Be There, Be Kind, Have Fun, Promote Positivity", providing messages of positivity, and arranging time at staff meetings for team building.
- Creating activities like those offered in public schools (themed days, prom, field trips, etc.)
- Providing multiple opportunities each day for students to work on IEP goals.
- Classrooms that are safe, comfortable, and supportive environments where students are encouraged and able to engage.
- Mutual respect between all staff and students. Staff and students share a trusting relationship which was observed in all classrooms.
- Recreational spaces, both inside and outside, that provide positive interactions and opportunities for students to relax and practice social skills.

- Integrating low tech and high tech assistive technology in the classroom, throughout the curriculum, and while in the community to support communication.
- Combining verbal information with visual examples, as well as providing students multiple modes of communicating their knowledge of learned material.
- Building upon the strengths and knowledge of each student while strengthening their areas of weakness to promote independence, engaging relationships, and productive lives for students at home, at school, and in the community.
- Building and maintaining long lasting partnerships within the community.
- Birchtree Center's Outreach Program involvement with public schools to provide tools to help students remain in the least restrictive environment and promote their long-term success.

Recommended Preventative Actions

During the monitoring visit, the NHED did not identify any recommended preventative actions at The Birchtree Center.

Overview of the Monitoring Review for Approval of Special Education Programs Process

Each Private Provider must meet the requirements for special education program approval pursuant to The Individuals with Disabilities Education Improvement Act (IDEA) (2004), The New Hampshire Standards for the Education of Children with Disabilities, and New Hampshire State Statutes (RSA 186-C:5, RSA 189:64).

The Monitoring Review Process for Approval of Private Provider Special Education Programs ensures that students with educational disabilities have access to; can participate in; and can demonstrate progress within the general education curriculum, thereby improving student learning. The primary focus of the monitoring review is to improve educational results and functional outcomes for all children with disabilities.

The NHED Bureau of Special Education Support's Approval of Private Provider Special Education Programs Monitoring Process (AP3s) consists of a review of required application materials and an on-site component with program visit(s) and random sampling. The AP3s process occurs during the last year of approval of the Private Special Education Program (Private Provider).

The spring prior to the AP3s process, the Bureau notified **The Birchtree Center** of the upcoming monitoring and scheduled a time to meet with the administrative team to review the process and answer any questions. The Bureau sent written communication in the fall of the monitoring year which included an overview of the monitoring process and tentative dates for the on-site Data Collection Form training and on-site monitoring visit.

As part of the AP3s process **The Birchtree Center** submitted required application materials for review and the Bureau confirmed their nonpublic school approval.

The Bureau visited the program on March 5, 2024 to conduct the AP3s on-site monitoring visit. Prior to conducting this visit, the Bureau provided training to **Birchtree Center** staff on how to complete the On-site Data Collection Form for the random sampling and what would be acceptable evidence.

Based on the on-site monitoring components for the AP3s Process there is one main component to corrective actions titled, *“Corrective Action Regarding the Implementation of the Regulations”*, which typically involves the Private Provider participating in or providing professional development training to appropriate personnel for areas found in noncompliance. For any corrective action regarding the implementation of the regulations, evidence of provided trainings is required and must be submitted to the Bureau. It is recommended that all corrective actions be verified by the Bureau within three months from the date of this report but cannot go unaddressed longer than one year of the date of the on-site monitoring visit. Any required Corrective Action completed and verified compliant prior to the report meeting will be noted as verified compliant in the written report. The final close-out letter will not be issued until all corrective actions have been verified corrected.

The New Hampshire Department of Education, Bureau of Special Education Support review members for **Birchtree Center’s** on-site monitoring review included Heidi Clyborne and Alexandra Ferraro.

Special Education Procedures and Effective Implementation

Each Private Provider must have Special Education Procedures and effective implementation of practices that are aligned and support the implementation of IDEA and the *New Hampshire Standards for the Education of Children with Disabilities*.

During their 2018-2019 AP3s process, **Birchtree Center’s** Special Education Procedures were verified compliant with State and Federal regulations regarding administration, confidentiality of information, program requirements, responsibilities of private providers of special education implementation of IEPs, behavioral interventions, RSA 126-U Limiting the use of child restraint practices in schools and treatment centers, qualifications and requirements for instructional, administrative and support personnel, change in placement or termination of enrollment, physical facilities, health and medical care, photography and audio-visual recording, and emergency planning and preparedness.

Since then, there has been one rule change, (Ed 1119.01 Confidentiality Requirements), affecting the Special Education Procedures. Private Providers monitored for program approval prior to this change needed to submit, for review, only the sections of their Special Education Procedures pertaining to the revised rule.

Based on the review of **Birchtree Center's** Special Education Procedures the monitoring team determined there were **0 findings of noncompliance**.

Private Provider Curriculum and Effective Implementation

Birchtree Center's K-8 curriculum was verified compliant during their 2018-2019 AP3s process in the learning areas of Arts Education, English/Language Arts, Health Education, Physical Education, Family & Consumer Science, Information & Communications Technologies, Mathematics, Science, Social Studies, and Technology Education, pursuant to Ed 306.26(b)(1) and (2) & Ed 306.27(c).

Since **Birchtree Center's** last AP3s process, there has been one change to the New Hampshire Minimum Standards, Ed 306.49 Holocaust and Genocide Education Program, which was widely shared with all of New Hampshire's Private Providers of Special Education Programs in 2022. With the understanding that the State is currently reviewing and making recommendations for some revisions to the Administration of Minimum Standards (Ed 306), the Bureau has determined that reviewing curriculum for the addition of Ed 306.49 is not warranted at this time.

The **Birchtree Center** program issues a certificate of completion.

Based on the previous review of **Birchtree Center's** curriculum, the monitoring team determined there were **0 findings of noncompliance**.

Personnel

The Bureau has reviewed **Birchtree Center's** personnel certifications using the New Hampshire Educator Information System. The review process was for educators employed during 2023 – 2024 school year.

The personnel roster provided by **Birchtree Center** was compared to the data in the New Hampshire Educator Information System. Each personnel member's endorsement was compared to the subject/assignment. This process was used for personnel that hold Beginning Educator Certification (BEC) and Experienced Educator Certification (EEC). If the

endorsement was appropriate to the subject/assignment, then the renewal date of the endorsement was verified to ensure that the endorsement was current.

If there was a discrepancy between endorsement and the subject/assignment, the private provider was given an opportunity to verify the data. If the discrepancy could not be resolved a finding of noncompliance was made based on Personnel Standards pursuant to Ed 1114.10(a), 34 CFR 300.18, and 34 CFR 300.156.

Based on the review of **Birchtree Center's** personnel certifications, the monitoring team determined there were **0 findings of noncompliance**.

General Program Approval Requirements

Each Private Provider must meet the requirements for special education program approval pursuant to The Individuals with Disabilities Education Improvement Act (IDEA) (2004), The New Hampshire Standards for the Education of Children with Disabilities, and New Hampshire State Statutes (RSA 186-C:5, RSA 189:64).

The monitoring review for the approval of Private Provider Special Education Programs includes an application with specified materials that must be submitted to the Bureau at least 30 days prior to the onsite monitoring visit in the year monitored.

Based on the review of the **Birchtree Center's** application materials, the monitoring team determined there were **0 findings of noncompliance**.

Program Monitoring and Random Sampling

Per RSA 186-C:5 the Monitoring Process must include on-site monitoring to include program monitoring and random sampling. The AP3s Process for **Birchtree Center** included an on-site monitoring visit during which the Bureau monitoring team was provided with a program overview, visited all approved locations for the approved program and collected random sampling data using the On-site Data Collection Form. Random sampling data consisted of comprehensive reports per Ed 1114.06(i), Ed 1114.06(j), Ed 1114.06(k) and service implementation per Ed 1114.03(a).

At least 30 days prior to the scheduled monitoring on-site visit **Birchtree Center** submitted to the Bureau a completed On-site Data Collection Form that included a coded list of twenty percent of the New Hampshire students enrolled in the program the year prior to monitoring for verification of comprehensive reports and a coded list of the services **Birchtree Center** was responsible for providing to all of their NH students enrolled in the program during the three-week period of October 23, 2023 - November 10, 2023 for verification of service implementation. **Birchtree Center** was notified by the Bureau of the three-week time period on December 14, 2023.

At the on-site monitoring visit the Bureau monitoring team used the On-site Data Collection Form to verify evidence that **Birchtree Center** completed a minimum of three comprehensive reports for each student listed on the form per Ed 1114.06(i), Ed 1114.06 (j), Ed 1114.06 (k) and that required services were provided during the designated time period per Ed 1114.03(a).

Based on the review of the **Birchtree Center's** program monitoring and random sampling, the monitoring team determined there was **1 finding of noncompliance**.

Required Corrective Action was completed and verified compliant by the Bureau prior to the written report.

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
Comprehensive Report Regulatory Component	Review Status
Ed 1114.06(i) Ed 1114.06(j) Ed 1114.06(k)	Each private provider of special education or other non-LEA program shall complete a minimum of 3 comprehensive reports per year on each child with a disability enrolled in the program. The reports shall describe the child's progress toward meeting the IEP goals, include a record of attendance, be written in terminology understandable to the parent, and be provided to the sending LEA and the parent of the child. Reports shall be provided to parents in the native language or other mode of communication used by the parent.
100% of student codes reviewed at the Birchtree Center program demonstrated evidence that a minimum of 3 comprehensive reports per year are completed on each child with a disability enrolled in the program meeting all compliance criteria. This results in 0 findings of noncompliance since comprehensive reports reviewed were in 100% compliance.	

COMPLIANCE CITATIONS	AREA OF COMPLIANCE
Service Implementation Regulatory Component	Review Status
Ed 1114.03(a) Student Code: 20	A private provider of special education or other non-LEA program shall be responsible for providing students with disabilities all services detailed in their IEPs unless the provision of those services has been agreed upon by contract with the sending LEA.
99.75% of services, that were the responsibility of the Birchtree Center program had evidence demonstrating provision. This results in 1 finding of noncompliance since service provision was not in 100% compliance.	
Corrective Action Regarding the Implementation of the Regulations: Provide training to appropriate staff to ensure that the private provider implements special education and related services as outlined in the IEP.	
Provide the dates, names of attendees, and a description of the trainings, which defines the private provider's procedure for complying with this specific rule, to the Bureau within 3 months from the date of this report.	
Corrections Verified Compliant prior to written report.	

Determining Program Approval Periods

To determine the length of program approval the Approval of Private Provider Programs is broken down into 7 sections. Points are accumulated based on the number of findings in each section and weighted towards those areas most directly impacting the provision of FAPE.

- Application Materials, not covered in other sections, (0-5 points)
- Curriculum (0-22 points)
- Personnel Certified (0-9 points)
- Required Staff (0-9 points)
- Special Education Procedures (0-5 points)
- Service Provision (0-40 points)
- Comprehensive Reports (0-10 points)

A program is given a percent score based on the total number of points received out of the maximum possible. The higher a percentage a program receives the shorter their approval period.

- 5 years: 0-20%
- 4 years: 21-40%
- 3 years: 41-60%
- 2 years: 61-80%
- 1 year: 81-100%

Based on the findings outlined in this report the **Birchtree Center** program received a score of **5%** and a **5 year program approval**.