



Justice Law Collaborative, LLC  
[www.justicelawcollaborative.com](http://www.justicelawcollaborative.com)

19 Belmont Street  
South Easton, 02375  
Office: (508) 230-2700

Attorney Kim Dougherty, Esq.  
[Kim@justicecl.com](mailto:Kim@justicecl.com)

Attorney Paula Bliss, Esq.  
[Paula@justicecl.com](mailto:Paula@justicecl.com)

March 16, 2021

Senate Committees on Judiciary, Health and Welfare and Education  
C/O: Carolyn Wesley, Chief of Staff  
Office of the Senate President Pro Tempore  
Vermont General Assembly  
115 State Street  
Montpelier, VT 05633  
(802) 734-0046  
[legislature.vermont.gov](http://legislature.vermont.gov)

**RE: Senate Committee Hearings Regarding Kurn Hattin Abuse Homes for Children**

Dear Senate Committee Members,

Thank you to the Senate Committees on Judiciary, Health and Welfare and Education for the opportunity to provide testimony on these important matters. The decades of horrific abuse that children were subjected to at Kurn Hattin Homes for Children (“KH” or “Kurn Hattin”) is truly tragic and heartbreaking. The abuse is well documented through the testimony of survivors and, in more recent years, in the records of Department of Children and Families (“DCF”), and the Vermont State Police Department (“VSP”).<sup>1</sup> One doesn’t have to be an expert in betrayal trauma or the effects of child abuse to understand the long-term devastation that impacts the lives of these children into adulthood and beyond. To make matters worse, the severe physical, sexual and emotional abuse was never stopped, corrected or even addressed by Kurn Hattin, leaving victims feeling helpless and hopeless, with some falling into substance abuse in efforts to numb the pain.

It is clear from our summary herein that Kurn Hattin’s inadequate protections and purposeful ignorance to the dangerous and illegal conduct permeating the institution, allowed children to be abused for decades. Unfortunately, however, Executive Director Steve Harrison is curiously not on the agenda for the hearing. It is our opinion that his and Kurn Hattin’s role in the abuse must be investigated and questioned at length. Review of the records from DCF and VSP begs the question: how this could go on for so long? How DCF could repeatedly grant “conditional” licensing approvals while KH remained non-compliant for years, without suspending or rescinding Kurn Hattin’s license to act as an independent school? Why didn’t VSP fully investigate the reports of abuse brought to its attention? How was the State Board of Education or Agency of Education allowed to play hot potato with an investigation, causing months of delay, all the while children were, and still are, left without protection from abuse? The

---

<sup>1</sup> DCF and VSP/VTPD records cited throughout were produced pursuant to a FOIA request and are available upon request.

Senate Committees, the abuse survivors and the public are entitled to answers to these types of questions.

Kurn Hattin held itself out to be a safe place of reprieve for children. Unfortunately for many over the past several decades, it became their nightmare. As Vermonters well know, Kurn Hattin is just but one example of a group home that failed the most vulnerable in our society. If abuse and neglect were not passed down from generation to generation in places like Kurn Hattin, we simply would not have the epidemic of childhood abuse, neglect and suffering that the alumni of KH experience today. It's time to ascertain who, in addition to Kurn Hattin, was responsible for the harm to these children, who were never safe or protected from harm as required not just by law but under our basic human morals.

On behalf of over 30 survivors of abuse at Kurn Hattin, spanning the past 80 years, we thank you and are encouraged by the Senate Committees on Judiciary, Health and Welfare and Education's efforts to unearth the truth. Our summary of the abuse at Kurn Hattin detailed herein clearly evidences the need for significant and immediate action necessary to provide some sense of justice for the survivors and ensure that children are protected from harm in the future at Kurn Hattin, or any other independent school. These schools must be subject to adequate and comprehensive policies, procedures and oversight necessary to hold them accountable when they fail to keep children safe, and to ensure such failures are immediately rectified.

## **HISTORY OF ABUSE AT KURN HATTIN HOMES FOR CHILDREN**

### **1950 to 1959**

In the 1950s, Survivor Jane Doe 1 and her siblings were subjected to neglect, physical, emotional and sexual abuse perpetrated by the Executive Director, the Girl's Directors, House Parents, the Cook, teachers and other staff. Examples of the abuse include slapping across the face, taping mouth shut when sobbing leading to difficulty breathing, neglectful treatment of injuries later to be found to be broken bones and such severe untreated, ear infections causing scarring. Jane Doe 1's brother was sexually assaulted on multiple occasions by Executive Director in the 50s, reports of which he recorded on tape. Survivor Jane Doe 1 met with KH Staff Member Connie Anderson in 2010 and discussed the abuse she and her siblings suffered. Anderson advised her the records had all been destroyed and Kurn Hattin took no action to notify the authorities or address the child abuse in any way.

### **1960 to 1969**

In the 1960s, multiple children (Jane/John Doe 2-11) suffered neglect, severe physical, emotional and sexual abuse, including being required to disrobe in front of a house parent, forced

to lie on the house parents' lap naked when she forcibly beat their naked bottoms. The same House Parent forced one child to remain outside overnight without a coat in freezing weather until she dropped unconscious in the snow the next morning. Another child was placed in freezing water for lengthy periods of time, children were regularly beaten with brooms with injuries left untreated. Children were also often denied food for days at a time, and older children were allowed to sexually assault other girls without the House Parent taking any action to stop it.

The 1960s were particularly brutal on the boys' side of campus. We've listened to so many horrific, and quite similar, recollections of abuse from over 10 survivors abused at KH in the 1960s perpetrated by two separate Executive Directors, multiple House Parents, teachers and staff members. One set of House Parents in Dickie Cottage tormented young boys for about a decade, molesting and sexually assaulting them in the cottage and elsewhere on campus, such as the locker room. These same House Parents beat the boys until they "saw stars," slamming one boy's head into the porcelain toilet resulting in loss of consciousness, kicking them across the room with a metal toe boot, breaking bones, punching a boy so hard his face slammed into a metal hook/nail breaking his nose, kicking another down 2 flights of stairs, forcing tortuous exercise with their pants down, requiring excessive chores for hours leaving children injured, making children re-eat their own vomit, putting dirty or urine filled clothes in the boys' mouths, forcing the boys to swim naked in the pool and other outrageous abusive misconduct. The Assistant Director, other House Parents and teachers were also physical abusive, hitting children until they cowered in the corner, beating them when they were naked, and also subjected the children to sexual misconduct and molestation, forcing them to perform oral sex and other inappropriate sexual acts.

## 1970 to 1979

One staff member/substitute House Parent during the 60s and 70s sexually molested and raped dozens of boys. He would force them to perform oral sex and anally rape them in his apartment, in their bedrooms, in his car and all-around campus. He would select a boy each night to bring to his apartment, and when substitute parenting at other cottages he would go in their bedrooms and he would also molest boys outside in hidden spaces. This staff member abused a few siblings, forcing them to watch their sibling being molested, threatening them harm if they told anyone. One survivor was asked by the KH gym teacher about the molestation and he admitted he was being raped by the staff member. The staff member ran off the premises and KH took no other action. This same survivor contacted KH in the 1980s about the molestation and rape. An insurance adjuster contacted him, eventually substantiated his claim but advised that the statute of limitations had run at that time. Kurn Hattin took no action to notify the authorities or address the child abuse in any way.

Another House Parent, who performed oral sex on a boy who was around 10 years age, and then forced the boy to perform oral sex on him. This sexualized environment resulted in young

boys performing sexual acts on one another, not understanding the inappropriate nature of what they were forced to experience with KH staff. The physical abuse of the children did not stop in the 70s, as House Parents would force children to hold out their arms and put buckets filled with water over their wrists, they forced children to scrub floors with tooth brushes for hours on their hands and knees, a child was forced to stand in corners for hours over a broken zipper, children were beaten with a radio brush and forced to drink sugar water with poison sumac.

## 1980 to 1989

The physical and sexual abuse by KH house parents and staff continued on into the 1980s. We have received over a half a dozen accounts of extensive sexual molestation and abuse of children throughout the 1980s that is well documented by DCF and the VT SPD. A common thread throughout this decade, is the reporting to and observation of the sexual abuse by KH staff and administration, who then utterly failed several children by taking no action. One 12-year-old was repeatedly raped by KH staff member in the boiler room, by the pool, on a bus (field trip) and in the staff member's apartment. Both the Executive Director and House Parent were aware of the molestation, and instead of protecting the child, they instead had her fitted for a diaphragm and provided her birth control pills at graduation. Another 6-year-old girl was repeatedly sexually assaulted by 14 to 16-year-old girls, who would penetrate her vagina and anus with barbie doll legs and other objects. Another student disclosed to KH staff that her cousin would rape her over the weekends after picking her up from the school. The staff continued to allow him to take her off the premises, even when she begged for help. The child ultimately ended up pregnant and had a baby with significant developmental delays.

The boys' campus also had a serial molester/rapist on staff during the 1980s, Mark Davis, who was eventually criminally charged and jailed and just this past January, again charged with possession of child pornography. Three survivors of Davis' abuse describe very similar events. Davis would often give the boys treats before bed, unknowingly they were being drugged. Davis would then enter the boys' bedrooms and fondle their genitals and ejaculate on the naked boys. Other instances, he would push the boys faces into the pillow and sodomize them. He also molested boys in the game room and the pool area of KH. These boys were 7-12 years old. At least one of the 3 boys told Davis wife, his House Parent, about the abuse, and another had to go to the nurse after Davis ejaculated on his penis and he got a rash. There were a few boys who would tie bed sheets together to run away at night before Davis would come in and molest them. They were repeatedly picked up by the same VT State Trooper and told the trooper and KH staff about Davis' abuse when they were returned. Instead of protecting them, they were beaten with a belt by staff for leaving at night. No one at KH did anything to stop the abuse, and at least one of the boys went on to commit suicide as a result.

Instances of physical abuse were also rampant at KH in the 1980s and documented in the DCF records, along with the utter lack of supervision that led to many of the sexual assaults:

- In 1983, DCF cited KH for “**two major areas of noncompliance...are the absence of a policy prohibiting maintenance of firearms on campus and the absence of a policy prohibiting spanking by certain administrative personnel**. The administration has expressed its intention to apply for variances in these two areas.”<sup>2</sup>
- In 1984, DCF noted the following areas of concern were identified in a letter:
  1. **"Staff actions which constitute child abuse as defined by statute and failure to report such abuse to S.R.S."**
  2. **"Staff use of inappropriate physical intervention to control children's behavior."**
  3. **"The use in a child care capacity of adults who are not subject to Kurn Hattin's other policies and controls governing staff."**
  4. **"Continuation of staff whose previous actions suggest an inability to adequately perform direct child care services."**
  5. **"Lack of sufficient staff training in the area of behavior management of children."**
  6. **"Lack of formal staff evaluation procedures."**<sup>3</sup>
- In the fall of 1984, a “provisional license” was granted to KH by DCF, despite the following: “shortcoming in the current training program is the absence of training for husbands of house mothers... The existence of a problem in this area is borne out by several incidents during the past year **involving aggressive behavior toward residents** by husbands of house parents. The Executive Director is very much aware of the problem, and indicated that he plans to include husbands in future training. Since husbands of house mothers are de facto staff members...the facility is **judged to be in noncompliance with regulations 300.01 and 300.02** and its subsections." "Evaluation: ...The two areas which seem most in need of attention are: 1) staff development and staff communication; and 2) service management...**Kurn Hattin has experienced problems in the last year with aggressive behavior toward students from husbands of house parents...**”<sup>4</sup>
- In 1985, conditional licensing approval was again given to KH by DCF, regardless of the continued noncompliance and lack of house parent training: “Problem Management: Last year's licensing report noted the absence of training for spouses of house parents...such training appears not to have been provided consistently or on an ongoing basis...**Noncompliance: Kurn Hattin is judged to be in noncompliance with either**

---

<sup>2</sup> See KurnHattin-DCF\_KH-00260-270.

<sup>3</sup> See KurnHattin-DCF\_KH-00271-273.

<sup>4</sup> See KurnHattin-DCF\_KH-00274-284.

**regulations 300.031 or 300.02, or regulation 305.01** and its subsections, depending on how spouses or house parents are defined.” “Service Planning: ...In the past, **service plans have been judged to be marginally adequate**, on the basis of the assumption that Kurn Hattin's population consisted of relatively emotionally intact children who did not need highly detailed service plans. This assumption may not have been entirely correct, and in any event, **Kurn Hattin is now working with children who exhibit a greater degree of emotional disturbance. For this reason, the service planning system is no longer considered to be adequate. Noncompliance: Until a new service planning system is implemented, Kurn Hattin is judged to be in noncompliance with regulation 503.02** and its subsections.”<sup>5</sup>

- In **1987**, staffing issues are noted again: "In general, there is only one staff member on duty in a cottage...Nonetheless, because Kurn Hattin has been deadline increasingly with children with behavior problems, the administration is closely studying the possibility of moving toward a double staffing pattern.”<sup>6</sup>
- During a **1988** DCF site visit, it was noted that "Kurn Hattin has had some difficulty with staff this past year. **The boys' campus has had to let three staff go since June for various reasons. One House Parent was accused and recently convicted of sexual involvement with a minor who was a student at the school.**"<sup>7</sup>
- In **1989**, KH was found to be in non-compliance again by DCF, noting: “Problem Management: ...In the boys' department, children are sometimes isolated in their rooms for indefinite periods of time... A typical **length of room restriction is one day. Regulations require that any such isolation exceeding thirty minutes in duration be approved by supervisory staff**, and be noted in the child's record. Because neither of these conditions are met, **Kurn Hattin is judged to be in noncompliance with the following regulations: [420.04].**”<sup>8</sup>

Despite KH’s non-compliance and the extremely concerning, documented issues of child molestation, DCF did not suspend or revoke KH’s license to practice as an independent school. In addition, neither the AOE, nor the VSP did anything to hold KH accountable for enabling sexual assault and sodomizing of children at its school by its employee. Essentially KH and every state agency that could have helped and protected children, ultimately failed them and the abuse and assault continued for additional decades.

---

<sup>5</sup> See KurnHattin-DCF\_KH-00285-299.

<sup>6</sup> See KurnHattin-DCF\_KH-00315-326.

<sup>7</sup> See KurnHattin-DCF\_KH-00330-333.

<sup>8</sup> See KurnHattin-DCF\_KH-00352-369.

In **Dec. 1989**, the VT State Police first documented Davis' molestation (this is the earliest production of VSP records that have been produced in response to FOIA requests):

“Accused touched and fondled the genital areas of several juvenile males...Synopsis: This case is a lewd or lascivious conduct investigation involving numerous juvenile male students who are residing at the Kurn Hattin Boys School in Westminster, Vermont. As of yet, **seven of the victims have been interviewed and verified that the accused did in fact touch and fondle their genital area. They are allegedly at least ten other juvenile male victims who have either been at the school in the past or are currently at the school.** Attempts are being made to interview these victims also. The accused was interviewed, and confessed to the above mentioned offenses...On December 15, 1989...Mr. Morse received a complaint from two resident students regarding the fact that the Defendant, Mark W. Davis, molested them. It was learned that Mark W. Davis is husband to Nancy Davis, who is a house parent at a campus residence known as Mirisson Cottage....**It was also learned that Mark W. Davis was employed with the Kurn Hattin School for approximately four years, but resigned in December 1988 following an unfounded investigation where he was alleged to use excessive force on a student...**According to the Assistant Director, Paul Quinney, he received a telephone call from Mark W. Davis on the evening of Friday, December 15, 1989 and during that conversation the Defendant admitted to the allegations and advised Mr. Quinney that he was willing to cooperate in any investigation that took place. **The students at Morrison cottage range in age from 9-12 years old.** It is also suspected that the two students that made this complaint were not the only victims of the Defendant.”<sup>9</sup>

## 1990 to 1999

During the 1990s, lack of supervision and appropriate staffing, inappropriate age grouping of residents and issues of excessive isolation/solitary confinement, continued to be a rampant problem at KH, causing significant harm to children residing at the school. This lack of supervision and inappropriate grouping of older children with younger children has proven to be a cause of much of the peer on peer sexual abuse in the past and moving forward to recent years. At least two survivors from the 1990s described being locked in an isolation room for hours at a time, crying for help to get out and in hunger. These children were dragged by their hair, and forcibly pulled around by their body and clothing. One was forced into the room 70% of her time at KH, and was locked all day without food and not allowed out until it was time for bed. The children were also exposed to sexually exploitive House Parents, one who would talk about vaginas often in the children's presence. Another student was forced to perform sexual acts on his House Parent, who

---

<sup>9</sup> See VTPD-MarkDavis-00001-10.

also forced sexual oral and groping on the child. The child told his KH's counselor of the sexual molestation, but little was done to protect him.

- In **1992**: DCF noted that the “practice of having only one staff on duty in cottages continues to be only marginally adequate...Kurn Hattin is urged to provide double coverage to enhance supervision and for enrichment.”<sup>10</sup>
- Despite these continuous issues, DCF again approved KH's license from 1992-1995.<sup>11</sup>
- In **1995**, DCF noted that “[d]uring the 1994-1995 academic year, Kurn Hattin experimented with grouping children in cottages with little reference to age, so that most cottages had children ranging from the early grades to eighth grade... the potential for aggressive or sexual contact between residents seems enhanced by the grouping...During one of the site visit an unlocked medication cabinet was discovered in one of the girl's cottages.”<sup>12</sup>
- From **1994-1996**, the VSP noted multiple juvenile “missing persons” and “runaways.”<sup>13</sup>
- In **1997**, DCF noted the excessive isolation and solitary confinement, observing: “the handles on the rooms used for time out have been damaged. There have been a couple of times these have not been working and children have been locked within the rooms.”<sup>14</sup>
- In **1998**, DCF noted a repeated issue with medication administration, something that was also an issue in recent years: “A Residential Facility shall have written policies and procedures governing the use and administration of medication to children. These policies and procedures shall be disseminated to all staff responsible for prescribing and administering medications... not all House-Staff were following these medication policies or medical procedures.”<sup>15</sup>
- The issue related to medication administration continued in **1999**, when DCF noted “[t]here were also issues in the past when staff did not the times and types of medications that were administered. There were also times when staff may have forgot to administer medications at specified times.”<sup>16</sup>

Heading into the 2000s, KH had a long history of sexual and physical abuse on its campus, neglect, lack of appropriate supervision, inappropriate aging of children in cottages and multiple other failures that were well documented by state agencies and sadly continued to exist into the next two decades leading to harming hundreds of children.

---

<sup>10</sup> See KurnHattin-DCF\_KH-00394.

<sup>11</sup> See KurnHattin-DCF\_KH-00395-00403.

<sup>12</sup> See KurnHattin-DCF\_KH-00418.

<sup>13</sup> See Vtpd000145-152.

<sup>14</sup> See KurnHattin-DCF\_KH-00444.

<sup>15</sup> See KurnHattin-DCF\_KH-00454.

<sup>16</sup> See KurnHattin-DCF\_KH-00466.



## 2000 to 2009

The 2000s continued the long trend of widespread, unreported staff and peer-on-peer abuse at KH. Overall, three clients report multiple instances of peer-on-peer sexual abuse throughout the decade, while two clients report physical and sexual abuse by KH staff. The first client survivor began attending KH in 1996 at age 10. Between 1997 and 1998, the client survivor resided in Morrison Cottage and was regularly beaten by one of the house parents, Mr. Sarafini. Later the client was moved to Ball Cottage, where on one night, an older 14-year-old boy pushed the client down to on the client's bed and began to fondle the client's genitals and attempted to penetrate the client's anus. The client managed to escape and report the incident to the house parent, Mr. Broder. Instead of taking the client seriously, Mr. Ball forced the client to go back to his, in the same room as his attacker. The incident was never reported to KH administrators or public officials.

An additional survivor attended KH between 1999 and 2001 and resided in Turrell Cottage. One of his house parents, Mr. Ostroski, was violent and, at one point, slammed the client against a wall with a hand around the client's throat. When the client met with then-Principal and Director of Residential of Services Thomas Fahner to report the assault, Mr. Fahner simply stated "maybe he needed a cigarette" and took no further action. On nights and weekends, a house parent identified as "Gretta" supervised the male residents of Turrell Cottage. Gretta routinely molested the claimant and threatened to "make it where [he] would never see his father again" if he told anyone.

In 2004, DCF noted after a site inspection that KH conflicted regulations governing the retraining of students. KH maintained a written policy that only administrators could retrain students, but DCF had reason to believe that KH administrators gave permission to other staff members to restrain students although they had no training.<sup>17</sup> DCF further noted that the KH needed to improve its documentation of instances of restraint and physical discipline.<sup>18</sup> The third client was 10-year-old when he sexually assaulted in 2005 by an 11-year-old male peer who resided in the same cottage. The peer anally-penetrated the client. There is no record of any further action being taken, which was an omen for the well-documented, severe instances of peer-on-peer abuse of the coming decade.

## 2010 to date

The most recent decade has seen extreme and persistent cases of peer-on-peer abuse, along with an utter lack of supervision and action by KH staff. Yet after KH staff became aware of many instances of abuse, the school consistently failed to take any corrective action or any proactive

---

<sup>17</sup> See DCF Documents at KurnHattin-DCF\_KH-00186-197.

<sup>18</sup> See *id.*

steps to prevent repeat and future instances. At the beginning of the decade, in 2010, DCF noted that the level of supervision in the cottages would be a continuing conversation with KH and be subject closer scrutiny during the next RTP Licensing site visit in 2011:

“Currently, there are two House parents per cottage. One House parent resides in the cottage and works ½ the week. The other House parent does not reside on-site and works the other half of the week. There is no awake overnight supervision and there are up to 11 children residing in the cottages. There is additional staff available in an emergency or if there is a sense there is a need for additional staff presence. However, the “baseline” staff to child ratio is and will continue to be an ongoing discussion.”<sup>19</sup>

The known lack of supervision in KH cottages proved to be a serious issue that was at the root of the most egregious instances of peer-on-peer abuse at the school. For example:

- In 2011, a male client, who was 9 years old at the time, was placed in Morrison Cottage with male peers. He was the youngest member of the cottage while his peers were all 13-year-olds. In the few months the client attended KH, his older roommate began sexually assaulting him at night, including forcibly anally raping the client and forcing him to perform oral sex. The roommate had “special privileges” at the cottage and was subject to lax supervision. The roommate took advantage of this and locked the bedroom door at night to attack the client. The client reported the abuse to the Vermont State Police (“VSP”) in 2017.<sup>20</sup>
- Between 2011 and 2014, a female client residing in the Hubbard Cottage at KH was repeatedly sexually assaulted by an older female resident of the cottage. The perpetrator resident routinely forced the client and other residents into the bathroom where she would force the client and other residents to “scissor” and sexually experiment with one another. On one occasion, the Hubbard Cottage House Parent, “Mrs. Sue”, walked in on the abuse and made the client attend counseling at Kurn Hattin with “Mrs. Nancy”. Neither the house parent nor the therapist ever reported the abuse to anyone else at KH or any public officials. Comments on social media have described similar abuse around the same time frame.
- On November 7, 2011, DCF renewed KH’s RTP license through September 2013.<sup>21</sup> When DCF visited KH again on October 1, 2013, it recommended KH improve informing parents of KH students within 24 hours of an incident.<sup>22</sup>

---

<sup>19</sup> DCF Records of Kurn Hattin (“DCF Records”), at KurnHattin-DCF\_KH-00248-258.

<sup>20</sup> See VSP Records on Kurn Hattin (“VSP Documents”) at Vtpd000055-64.

<sup>21</sup> See *id.* at KurnHattin-DCF\_KH-00136

<sup>22</sup> See *id.*, at KurnHattin-DCF\_KH-00118.

- In 2014, VSP received three concerning reports relating to KH. 1) DCF informed the VSP that a parent of a KH student threatened to kidnap his child from the school on August 23, 2014. VSP attempted to contact KH but was unable to reach any staff at the school.<sup>23</sup> 2) On July 1, 2014, VSP picked up a runaway from KH who said she fled because she was being bullied. The police advised the girl to report the bullying to her teachers and no further action was taken.<sup>24</sup> Finally, 3) On September 14, 2014, VSP reported that a female KH student was sexually assaulted by a male student on a chaperoned trip to Cape Cod. The female student was reprimanded and sent to her room by the KH chaperones after she kicked and punched the male student off her to get him to stop.<sup>25</sup>
- On March 10, 2015, after receiving an email from the DCF, VSP investigated the sexual assault of a KH student who was forced to perform oral sex and engage in anal sex by a peer at the school.<sup>26</sup>

Despite these incidences known to both DCF and VSP, DCF renewed KH's RTP license in 2013 and 2015.<sup>27</sup> Current KH Executive Director, Stephen Harrison, took over KH in 2015. When DCF renewed the school's RTP license in 2015 it noted that KH was not fully compliant with a DCF regulations regarding the seclusion of children, including RTPLR 660, which states:

“Children/youth in seclusion will be provided constant, uninterrupted supervision by qualified staff, employed by the program and familiar to the child/youth.”

The DCF comment highlights continuing issues with discipline and more importantly, inadequate supervision at the school. Despite this, the following instances were reported after the 2015 renewal:

- In September 2016, DCF were notified that the Stephen Harrison's 15-year-old son had solicited nude photos from a 13-year-old and a 12-year-old KH female resident. Despite the solicitation, the 15-year-old continued to work in KH's cafeteria and had ongoing access and contact to one of the female students. DCF found that KH's response was “appropriate”, and no violations were given.<sup>28</sup>
- Beginning in 2017, a 9-year-old female client was sexually abused by another resident at Woodhull Cottage. The abuse continued for 2 years as the perpetrator resident regularly assaulted the client and other cottage residents in the bathroom of the cottage. At one point

---

<sup>23</sup> DCF and VSP records were produced pursuant to a FOIA request and are available upon request

<sup>24</sup> See *id.*, at Vtpd000011-13

<sup>25</sup> See *id.*, at Vtpd000017-21.

<sup>26</sup> See *id.*, at Vtpd000024-39.

<sup>27</sup> See DCF Documents at KurnHattin-DCF\_KH-00118 and 00139

<sup>28</sup> See DCF Records at KurnHattin-DCF\_KH-00022-23, 73

the perpetrator penetrated the client's vagina with a toothbrush and encouraged other residents to do the same. The client was initially fearful to report the abuse because the perpetrator threatened to "kill [her] with a knife" if she did, and the Woodhull Cottage House Parent, "Mrs. Cook", was physically abusive, grabbing and shaking the client if the client frustrated her. The client's mother found out and reported the abuse to DCF and the VSP in 2019. During the DCF investigation, it was revealed KH Residential Director Nancy Richardson was aware of the toothbrush incident but didn't report it because she thought that was "what children do."<sup>29</sup>

- On February 10, 2017, DCF sent a letter to KH about a teacher using inappropriate physical intervention with 11-year-old when she "yanked right arm to remove hand from his ear."<sup>30</sup>
- DCF correspondence with KH Director of Residential Services regarding allegations of physical abuse at KH, including grabbing/pushing/shoving students, withholding a student's breakfast for being late, and also being verbally abusive, resulting in an action plan.<sup>31</sup>
- DCF RLSI Letter to Stephen Harrison, KH Executive Director stating: "It is important to note, that upon receipt of the incident reports from KH, the allegations of solicitation occurred on October 20, 2017 and it took a considerable amount of time to report the incident to the licensing authority." The letter identifies several possible regulatory violations, including RTPLR 118 - a RTP shall report any suspected or alleged incident of child abuse or neglect within 24 hours to DCF; RTPLR 119 - RTP will supervise and separate the individual(s) and the victim(s) whose behavior caused the report; and RTPLR 601 – RTP shall provide adequate supervision appropriate to the treatment and developmental needs of children/youth.<sup>32</sup>

Still, the AOE renewed the school's status as an "Approved Independent School" on May 25, 2017<sup>33</sup> and DCF renewed the school's RTP License on September 25, 2017.<sup>34</sup> Over the succeeding two years, more and more abuse came to light after DCF finally began to scrutinize the abuse at KH and KH's response after decades of reports at the school, likely in response to notice of potential civil suits. In late 2019, after two site visits, DCF wrote a lengthy RTP Licensing Report detailing the school's numerous transgressions.<sup>35</sup> Overall, the report found:

---

<sup>29</sup> See DCF Documents at KurnHattin-DCF\_KH-00031-37. See also VSP Documents at Vtpd000089-97.

<sup>30</sup> See DCF Documents at KurnHattin-DCF\_KH-00014-17; 00024-27.

<sup>31</sup> See *id.* at KurnHattin-DCF\_KH-00004

<sup>32</sup> See *id.* at KurnHattin-DCF\_KH-00028-30

<sup>33</sup> See AOE Records at KurnHattin-VT Agency of Education-00029-35

<sup>34</sup> See DCF Documents at KurnHattin-DCF\_KH-00090-103

<sup>35</sup> See *id.* at KurnHattin-DCF\_KH-00158-175.

“Of the 17 child abuse and regulatory investigations during this licensing period, at least three were not reported within the required timeframe. For example, three incidents occurring in February 2019 and were not reported to licensing or Centralized Intake and Emergency Services (CIES) until April 2019. Staff interviews illuminated an instance in October 2019 where information was intentionally withheld from licensing regarding the division of Parent Cottage students into other cottages due to the inadequate staffing coverage. Multiple staff interviews have alleged that significant incidents within residential programming and timing had not been documented. At least two separate scenarios were noted. School-wide Information System (SWIS) began to hold all the Kurn Hattin School’s incident reports as of 2015. There are multiple incidents reviewed within 10 student files on SWIS that should have been reported to RLSI but were not. These include incidents of sexual touching between students and other incidents that directly impact the health and safety of the students ... Kurn Hattin’s NEASC self-study surveying resulted in the findings, “...that 21 percent of the students strongly disagreed that they felt safe at Kurn Hattin.” The program appears committed to exploring and greater understanding what this percentage means. However, staff members were candid to explain that children say they don’t feel safe when they are escalated, or they do not feel safe based on the actions of their peers. The totality of the student interviews, staff interviews, review of internal policies and self-study survey results all contribute to the noncompliance rating for RTP Regulation 201. These issues within Kurn Hattin and the findings that 21 percent of students strongly disagree that they feel safe at the program inhibits the students from being “served under human conditions with respect for their dignity and privacy.””<sup>36</sup>

The report also noted specific instances of abuse:

- In 2019, DCF found out a large number of children were openly known to be engaging in inappropriate sexual conduct and KH staff did not intervene or report it to DCF: “... a large number of KH residents engaging in sexualized contact with each other. At least nine separate youth from two different cottages, Morrison and Parent, were involved. The age range of youth involved was between 7-11 years old... Mrs. Richardson [...] stated that the sexual activity has been described by the boys as showing each other their genitals, some boys stated that they engaged in hand to genital contact, and one of the older boys (10) disclosed oral-genital contact with another of the older boys (11) ...Mr. Plante [...] added that the youth report that 'the club' has been going on for at least a full year, perhaps longer... Ms. [x] said that a youth said the club 'has been going on since 2016.’”<sup>37</sup>
- Staff at the school knew of “the club” and attempted to report their concerns to KH Administrators. According to Meeting Notes from KH Staff disclosed by DCF in 2019: “Ms. Newton "shared the concern that events that were once 'isolated are becoming

---

<sup>36</sup> *Id.*

<sup>37</sup> *See id.* at KurnHattin-DCF\_KH-00042-49.

systemic,' which she attributed to the lack of follow through and bad judgment calls of administration, but mostly named Nancy Richardson, Director of Residential, Carol Bazin and Clint LaPlante are Assistant Residential Directors. She was adamant that Steve Harrison and Sue Kessler know of these incidents/concerns." Ms. Newton tracks behaviors trends in the school through their data system. She explained that the behavior during residential hours is triple the behavior/incidents during school hours. She believes this difference is even more since the behavior matrix and documentation is not being followed or completed by residential staff..."<sup>38</sup>

- On March 21, 2019 DCF received notice of another severe and prolonged instance of abuse: "The reporting source said [x] reported that she performed sexual acts (orally and insertion with fingers) on peers, [x] shared that she felt pressured and threatened to perform these acts and described that there was no supervision at KH. [x] described that this occurred from the ages of 6-12 years old, through her entire time at KH and began as 'hazing.' Additionally, on 4/25/2019, there was another allegation of possible sexual abuse by another KH resident. [x] disclosed that [x] had forced her to have sex with him and this occurred behind the stairwell in the auditorium. [x] said that she felt uncomfortable and unsafe some of the times they would have sex because [x] said he wouldn't be her boyfriend anymore if she didn't do it."<sup>39</sup>

Despite its findings and increasing media coverage of the abuse, DCF did not rescind KH's RTP license in 2019 when it issued its report. In fact, in a response to Kurn Hattin accusing DCF of pressuring the school to relinquish its RTP license, DCF stated:

"Contrary to assertions in the media, there was never any pressure for Kurn Hattin Homes to relinquish the license. In fact, in the same June 25, 2020 letter, DCF offered to assist Kurn Hattin in meeting regulatory requirements to remain licensed as an RTP if it so desired. Kurn Hattin declined the offer."<sup>40</sup>

Although DCF took no action immediately following the report, KH issued multiple public statements and sent several letters to DCF rebutting many of the agency's findings and describing the report as "at best, an inaccurate and inadequate depiction of the Homes as we currently operate."<sup>41</sup> After another three months of back-and-forth letters and public statements between DCF and KH, the school finally relinquished its RTP license to DFC on September 10, 2020. Rather than acknowledge its failures and take responsibility, Kurn Hattin chose to publish a statement that the school is "deeply moved and humbled by the overwhelming number of messages

---

<sup>38</sup>. See DCF Documents at KurnHattin-DCF\_KH-00050-53

<sup>39</sup> See *id.* at KurnHattin-DCF\_KH-00038-41. See also VSP Documents at Vtpd000079-88.

<sup>40</sup> See *id.* at KurnHattin-DCF\_KH-00156-157

<sup>41</sup> See DCF Documents at KurnHattin-DCF\_KH-00074-82

of support and encouragement” citing testimonials from staff, agents or people who were fortunate enough to not have been abused while in the school’s care that “are heartwarming to read.”<sup>42</sup>

During this time, the Vermont State Board of Education (“SBE”) and AOE did not take any action. Instead, the SBE waited until after KH formally relinquished its RTP license, and only after a detailed letter was provided to the SBE by Attorney Dougherty summarizing the extensive issues at KH that were well-documented by DCF, on October 21, 2020 did the SBE finally direct the AOE to investigate the abuse allegations and make a recommendation as to whether KH’s approved status should be revoked.<sup>43</sup> As a result, the investigation was stalled by several months and the AOE’s investigation is ongoing, leaving approximately 50 children still in potential danger at KH. In the meantime, the SBE has been in the process of drafting changes to regulations governing independent schools, some of which have the potential to substantially affect KH and other schools in similar situations.<sup>44</sup>

Even now, KH continues to impede investigators and obfuscate the full nature of what it knew about sexual abuse throughout the decades. For example, former-KH house parent, Mark Davis was arrested for child pornography charges in New Hampshire. Lieutenant Todd Faulkner of Cheshire County, New Hampshire Sheriff’s Office is attempting to identify child victims in photos from Davis’ personal computer. KH refused to let Lt. Faulker access its yearbook collection to help identify potential victims Davis may have taken photos of while he was a house parent in the 1980s and 1990s. Instead, Lt. Faulker had to obtain a court order for KH to produce the yearbooks, and even then, the school’s production was limited.

The SBE is currently developing changes to Rule 22000, which regulates independent schools in Vermont. Most of the proposed changes streamline and clarify the language of the old rules. However, a few substantive edits are ambiguous and may allow some schools like Kurn Hattin to continue to skirt the rules, particularly where it comes to accreditation and access to federal funds. We urge the Senators to encourage the SBE to pause the adoption of any new rules until it fully understand and vet the impacts that they may have on situations like this one moving forward.

## **2021 and Forward**

The amount of suffering that many children endured at Kurn Hattin, and the long-lasting effects, are significant, severe and life altering. For many of them, it is hard to imagine that Kurn Hattin can ever be reformed in a way that will ensure that children will be safe and protected from harm, or that any of the agencies set forth to protect them will, in fact, fulfill their responsibilities.

---

<sup>42</sup> <https://kurnhattin.org/statement-from-kurn-hattin-homes-october-2-2020/>

<sup>43</sup> See Draft Minutes from the SBE’s October 21, 2020 Meeting.

<sup>44</sup> See a policy analysis of the proposed edits to Rule 2200 attached as Exhibit A.

Kurn Hattin's stated mission is to "transform the lives of children and their families forever." If it is ever to meaningfully complete this goal in a positive and genuine manner, there must be an in-depth investigation of Kurn Hattin and the state agencies who failed hundreds of children over the decades. It must involve major reformative and corrective action of the school and restorative justice to promote healing of the survivors of Kurn Hattin abuse.

Thank you again to the Senate Committees on Judiciary, Health and Welfare and Education for the opportunity to be heard on this important matter. If you have any questions, please do not hesitate to contact our office.

Sincerely,



Kimberly A. Dougherty, J.D., M.S.W.  
JUSTICE LAW COLLABORATIVE, LLC



# **EXHIBIT A**

## **ANALYSIS OF PROPOSED RULE CHANGES FOR INDEPENDENT SCHOOLS**



**SBE Proposed Rule Changes to Rule 2200 Could Impact Kurn Hattin**

The SBE is currently developing changes to Rule 2200, which regulates independent schools in Vermont. Most of the proposed changes streamline and clarify the language of the old rules.<sup>45</sup> However, a few substantive edits are ambiguous and may allow some schools like Kurn Hattin to continue to skirt the rules and receive federal funding.

**a. Overview of Relevant Regulatory Scheme and Changes**

SBE rules currently classify independent schools in three different categories: 1) “Recognized”, 2) “Approved” schools that are not eligible to receive public funding, and 3) “Approved” schools that are eligible to receive public funding.<sup>46</sup> Recognized independent schools must only meet the statutory requirements of 16 V.S.A. § 166, while Approved Independent Schools must also meet the SBE’s regulatory requirements. Recognized and Approved schools can both operate and accept students in the state of Vermont. Both current and proposed changes to Rule 2200 distinguish between Approved Schools that do not receive public funding and those that do.

In order to receive public funding, approved independent schools must comply with additional requirements for providing special education services.<sup>47</sup> Table 1 below details the exact standards each category of schools must meet. Oddly, under the current and proposed schemes, there is no effective difference between schools that are simply “Recognized” and “Approved” schools and schools that don’t receive public funding in terms of either benefits conferred by the SBE or scope of operations.<sup>48</sup>

<b>Table 1: Types of Independent Schools in VT and The Relevant Authority They Must Comply With</b>		
<b>Recognized</b>	<b>Approved (Not Eligible for Public Funding)</b>	<b>Approved (Eligible for Public Funding)</b>
1. 16 VSA § 166	1. 16 VSA § 166 2. Rule 2226 ( <i>Proposed Rule (“PR”) moves to 2227</i> ) or accreditation by agencies are listed in Rule 7320 of the Board Manual of Rules and Practices 3. <i>PR Rule adds 2223.3</i>	1. 16 VSA § 166 2. Rule 2226 ( <i>Proposed Rule (“PR”) moves to 2227</i> ). 3. Rule 2228 (PR moves to 2229) via Rule 2224 (PR moves to 2225) accredited by agencies are listed in Rule 7320 of the Board Manual of Rules and Practices. 4. <i>PR Rule adds 2223.3</i>

<sup>45</sup> See the Latest Draft Language of Proposed Rule 2200 (“PR 2200”) attached to this memo.

<sup>46</sup> See Current Rule 2200

<sup>47</sup> See PR 2200 at Rule 2229.

<sup>48</sup> Neither the proposed Rule 2200 nor the current version offer independent schools any benefit for being approved aside from the possibility of receiving public funding. Even then approved schools would have to meet additional requirements to provide special education services beyond the general approval requirements to receive public funding. Unless an independent school is interested in providing special education services, then there appears no incentive for independent schools to expose themselves to the additional administrative burdens of the approval process beyond the recognized category.

As an alternative to being evaluated by the SBE as to whether an independent school meets the stated approval standards, it can be approved if it is accredited by an SBE recognized state or regional accrediting organizations such as the New England Association of Schools and Colleges (“NEASC”).<sup>49</sup> Under the current and proposed schemes, accreditation by an SBE recognized organization bypasses the need for independent schools to separately meet the general approval requirements and the special education services requirements of the state.<sup>50</sup> Kurn Hattin is currently one of three approved independent schools in the state that are neither accredited by NEASC or licensed by DCF as a residential treatment facility; the other two schools are ski schools.<sup>51</sup>

#### **b. Proposed Changes to Complaint Process**

The Proposed Rule 22000 changes the prior complaint and investigation process to include formal and informal investigation procedures.<sup>52</sup> Less serious complaints will be opted to be resolved through informal means i.e., regulatory guidance or confirmation of corrective action.<sup>53</sup> If the complaint is serious enough it will be elevated, and the Secretary will conduct formal investigation.<sup>54</sup> The investigation can result in disciplinary action such as probation or revocation.<sup>55</sup> The proposed rule clarifies one critical ambiguity regarding whether it was the SBE’s or Secretary of Education’s (“AOE”) responsibility to initiate an investigation into schools, as the proposed rule places the responsibility firmly in the hands of the Secretary of Education.<sup>56</sup> This confusion is what initially delayed the Kurn Hattin investigation.<sup>57</sup> Yet, notably, there is no guidance as to which complaints are less serious and will be handled through “informal means.” This informal process leaves opportunity for complaints at independent schools to never see the light of day.

A few other shortcomings remain. First, the proposed changes regarding complaints, investigations, and revocation only apply to “approved independent schools” as written.<sup>58</sup> Although the proposed rule states that the SBE may regulate schools for failing to comply with “statutory requirements,” the proposed rule does not describe how either the SBE or the AOE will respond to compliance failures among recognized independent schools.<sup>59</sup> This leaves ambiguity as

---

<sup>49</sup> See PR 2200 at Rule 2224

<sup>50</sup> See *id.* at Rule 2224 and Rule 2229.

<sup>51</sup> See Approved Minutes from the SBE Independent School Rules Update Committee’s February 5, 2021 Meeting at Pg. 1

<sup>52</sup> See PR 2200 at Rule 2223.8 and 2223.8.2.

<sup>53</sup> See *id.* at Rule 2223.8.2.

<sup>54</sup> See *id.*

<sup>55</sup> See *id.*

<sup>56</sup> See *id.*

<sup>57</sup> See Draft Minutes from the SBE’s October 21, 2020 meeting at pg. 3-4.

<sup>58</sup> See PR 2200 at Rule 2223.8 and 2223.8.2

<sup>59</sup> See *id.*

to which agency is responsible for investigating recognized schools and how they will respond to compliance failures. More importantly, it raises questions as to whether the SBE would act in response to a recognized independents schools' violation of statutory requirements. In a scenario where Kurn Hattin has had its "approval" status revoked but continues to operate as a recognized school, the proposals don't address how the SBE and AOE would be able to address new complaints of abused.

The second inadequacy is the proposed rule keeps the current language regarding referring certain types of complaints to other agencies:

"Reports of drug or alcohol use shall be referred to the state's attorney for the county in which the school is located. **Reports of child abuse or neglect shall be reported to the department of Social and Rehabilitation Services.** Reports concerning the safety of facilities, water supply, electricity, plumbing or waste disposal systems shall be referred to the department to the appropriate."<sup>60</sup>

Both the current and proposed language mention sending reports of child abuse and neglect to the Department of Social and Rehabilitation Services, which is an outdated name for DCF. However, neither ever mentions how reports of child abuse will be handled after being referred to DCF. It's foreseeable that this loophole could lead to a similar delay in SBE and AOE action that happened with Kurn Hattin, where the AOE only began investigating the matter months after DCF had already revoked the school's residential treatment facility license in September 2020. Meanwhile, Kurn Hattin is still accepting new students and potentially exposing them harm. Language that encourages better inter-agency cooperation and communication would help minimize the risk and expedite the investigation process.

### c. Proposed Changes to the Approval Process

The current proposed changes to Rule 2220 also amend the process for independent schools to become "Approved". Table 2 highlights each change to the current Rule 2226; changes can be seen in red. The most significant change to the approval process is the requirement that schools with boarding and residential programs must be:

"In order to be approved, an independent school that operates a boarding program, enrolls students as boarding students, or operates a residential treatment program shall be accredited by a state or regional agency recognized by the State Board for accrediting purposes or shall be licensed as a residential child care facility by the Department for

---

<sup>60</sup> See PR 2200 at Rule 2223.8.2.

Children and Families. This requirement does not apply to an independent school that enrolls only day students.”<sup>61</sup>

The change is important as the current rule doesn’t address increased needs for schools with boarding programs and residential facilities.<sup>62</sup> However, several issues persist with the proposed verbiage, primarily:

1. The proposed rule introduces key words and phrases without defining them.
2. The current wording doesn’t distinguish when accreditation would be sufficient as opposed to requiring DCF licensing.
3. The aim is to incorporate NEASC standards, but actual wording allows residential accreditation from other accreditation organizations which may not have residential facility standards.
4. The proposed standards don’t require background checks or mandatory reporting training for approved independent school faculty, especially for residential faculty at boarding schools.

First, the current language of the draft Rule 2226 introduces the terms “boarding program”, “boarding students,” and “residential treatment program” are not defined within the rule, where else in the Rule 2200 series, or by reference to another rule or law. Without clear definitions, some schools including Kurn Hattin might be able to skirt the new regulations or argue the new rules don’t apply to them.

Second, the current wording would allow a boarding school to be approved if it is either accredited by an SBE recognized organization or licensed by DCF as a residential treatment facility. This could allow a boarding school that’s accredited and accepts high-risk students or students with complex mental and physical needs to bypass DCF regulations to be licensed for residential treatment facility.

Third, purpose of requiring accreditation for boarding schools was to require them to meet NEASC residential program standards.<sup>63</sup> <sup>64</sup> There is ambiguity as to whether the outside accreditation process would fast-track approval and provision of federal funding short of state oversight. To the extent that NEASC also allows schools to “self-study,” that is equally

---

<sup>61</sup> See *id.* at Rule 2227.

<sup>62</sup> See Rule 2226

<sup>63</sup> See 2020 NEASC Program Standards for Residential Schools at Pg. 69-73.

[https://cis.neasc.org/sites/cis.neasc.org/files/Downloads\\_pdf/Manual%20for%20School%20Improvement%20rev%2003032\\_2.pdf](https://cis.neasc.org/sites/cis.neasc.org/files/Downloads_pdf/Manual%20for%20School%20Improvement%20rev%2003032_2.pdf)

<sup>64</sup> See Approved Minutes from the SBE Independent School Rules Update Committee’s February 5, 2021 Meeting at Pg. 1.

concerning. In addition, the wording of the proposed change would allow accreditation under any SBE recognized organizations, which include organizations that do not have clear residential program standards.<sup>65</sup>

Finally, a lack of background checks for faculty and mandatory reporter training likely contributed to abuse issues at Kurn Hattin. In a recent meeting the SBE discussed adding provisions related to those issues to the proposed rule.<sup>66</sup> It is critical the SBE approves and adds these changes to the current rules. Moreover, the SBE should ensure the requirements are specifically required for residential services faculty and volunteers at boarding schools.

<b>Table 2: Changes to Independent School Approval Under Proposed Rule 2227</b>
<p>The Board <b>shall</b> approve an independent school that offers elementary or secondary education if it finds, <b>after opportunity for hearing, that the school provides a minimum course of study pursuant to section 906 of this title and that it substantially complies with the Board's rules for approved independent schools.</b></p> <p><b>In order to be approved, an independent school that operates a boarding program, enrolls students as boarding students, or operates a residential treatment program shall be accredited by a state or regional agency recognized by the State Board for accrediting purposes or shall be licensed as a residential child care facility by the Department for Children and Families. This requirement does not apply to an independent school that enrolls only day students.</b></p> <p>The board <b>must</b> make the following findings prior to approval: <b>2227.1</b> The description of the school in the approval application is accurate.</p> <p><b>2227.2</b> The course of study offered is adequate to meet the educational purposes of the school and to provide a minimum course of study that is age and ability appropriate.</p> <p><b>2227.3</b> The school has available support services necessary to meet the requirements of a minimum course of study and its educational purposes, including but not limited to library services, administrative services, guidance and counseling services and a system of records by which pupil progress may be assessed.</p> <p><b>2227.4</b> The school has classroom, laboratory, library and other facilities necessary to operate its program,</p> <p><b>2227.5</b> The school employs professional staff who are qualified by training and experience in the areas in which they are assigned as measured by the following:</p> <p><b>2227.5.1</b> For teachers, a minimum of a bachelor's degree in their field of instruction or substantially equivalent time in training and experience in their field of instruction.</p> <p><b>2227.5.2</b> For all professional staff, relevant experience and/or training in other programs not related to teaching or administrative duties to which they are assigned.</p> <p><b>2227.6</b> The school has an adequate program of continuing professional staff development as demonstrated in the application.</p> <p><b>2227.7</b> The school employs a sufficient number of professional staff for the population served.</p> <p><b>2227.8</b> The school satisfies lawful requirements relative to its facilities, fire drills, and the immunization of its pupils against disease.</p> <p><b>2227.9</b> The school maintains a register of the daily attendance of each of its enrollment.</p> <p><b>2227.10</b> The school maintains an operating schedule that includes a total number of instructional hours each year which is not less than that required of a public school serving the same grades.</p> <p><b>2227.11</b> The school has the financial capacity to carry out its stated objectives for the period of approval. <b>For purposes of these rules, "financial capacity" shall mean anticipated revenue and funds on hand sufficient to meet a school's stated objectives.</b></p>

<sup>65</sup> Two SBE-recognized accreditation organizations include: 1) Department of Education, Northern New England Conference of Seventh-Day Adventists, Portland, Maine; 2) Diocesan School Board, Burlington, Vermont.

<sup>66</sup> See Draft Minutes from the SBE Independent School Rules Update Committee's March 12, 2021 Meeting attached as at pg. 3.