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Ivy Ridge request denied
'BLINDSIDED': State says 'behavior modification center' can't be run as private school

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ALBANY — The Academy at Ivy Ridge will not be allowed to operate as a private high school in New York.

The state Department of Education has rejected the Ogdensburg institution's application to be registered as a nonpublic secondary school, citing academic program deficiencies and health and safety concerns for its students.

"The Department's review revealed that AIR is principally a behavior modification center and not a school that should be accorded the privilege of administering Regents examinations and awarding diplomas," wrote Jean C. Stevens, interim deputy commissioner of the Education Department's Office for Elementary, Middle, Secondary and Continuing Education, in a letter Wednesday to Ivy Ridge Director Jason G. Finlinson.

"That letter blindsided me," Mr. Finlinson said late Thursday afternoon.

Ivy Ridge has been working with the Education Department as part of the application process to correct any deficiencies the agency found, he said.

"We responded to the state Education Department in everything they asked," Mr. Finlinson said. "We changed things and added new policies."

According to the letter, state education law requires an institution seeking status as a nonpublic high school to prove that its academic program is "substantially equivalent" to what public schools provide.

Ivy Ridge utilizes a Bible-based computer program called Switched-On Schoolhouse that allows students to proceed at their own pace. The Education Department found that the program does not provide "sufficient interaction with teachers and peers or adequate instructional guidance by teachers."

To satisfy the department, Ivy Ridge aligned its curriculum with Regents standards, Mr. Finlinson said.

"Our academics are as good as any school in the state of New York, pubic or private," he said.

The department's reasons for rejecting the application were "pretty vague," Mr. Finlinson said.

"We want more details so we can fix the deficiencies and move on," he said.

The department also found student health and safety deficiencies at Ivy Ridge, including inadequate systems to protect students, a chain-of-command that gives one student group power over another, students being prohibited from having any phone numbers or addresses, overly restrictive policies over students' restrooms use and "inadequate staff training related to student restraint."Mr. Finlinson said he doubted an incident in April 2003 — in which a staff member was accused of coercing two underage female students into providing him oral sex while on a trip to the Ottawa airport — had any bearing on the Education Department's decision.

Ivy Ridge staff investigated the allegations, determined they were true and fired the employee, Mr. Finlinson confirmed.

"He was dismissed immediately when we found out about the incident," he said.

Education Department spokesman Thomas Dunn, in an e-mail response about the incident, said only, "The letter speaks for itself."

Critics of Ivy Ridge and similar institutions claim that the facilities use overly harsh restraint methods that often injure students.

Ivy Ridge has denied such allegations.

"They've listened to our naysayers too much and not paid attention to the material we've sent them," Mr. Finlinson said.

Ivy Ridge has seen its enrollment drop markedly since an investigation completed last year by state Attorney General Eliot L. Spitzer determined it was fraudulently claiming to be accredited and was issuing bogus high school diplomas. As a result, the institution agreed to pay nearly $1.23 million in penalties and restitution.

Enrollment now is 150 students, from a high of about 500 just 18 months ago. Staff also has been cut sharply, from 250 to 110. Despite that, Ivy Ridge will continue, Mr. Finlinson said, adding that he would appeal the department's decision.

"We're still getting students in, nothing has changed, we're still holding the course," he said. " We feel we meet the requirements for secondary education for nonpublic schools.

Ivy Ridge had been expecting the application to be given to the state Board of Regents; in fact, the request apparently was placed on the board's July agenda but then pulled and kept off subsequent agendas since then. In August, Mr. Dunn said the action was taken because of "questions about their program."

In her letter, Ms. Stevens wrote that "the department and the Commissioner cannot recommend approval of AIR's application for nonpublic high school registration, and the application will not be advanced to the Board of Regents."

That action will cause harm beyond Ivy Ridge, Mr. Finlinson said.

"They're not looking at it from a human side," he said. "We have a big impact on students, families, the people working here, the community; we add a lot of positives to this area."

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