



Massachusetts Department of
**ELEMENTARY & SECONDARY
EDUCATION**

FLLAC Collaborative

**COORDINATED PROGRAM REVIEW
REPORT OF FINDINGS**

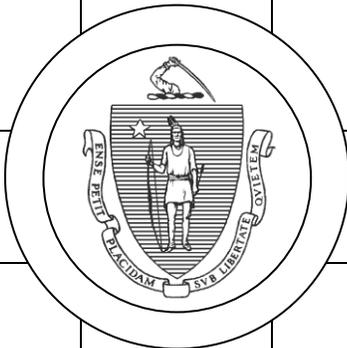
Dates of Onsite Visit: November 2-5, 2015

Date of Draft Report: January 20, 2016

Date of Final Report: April 7, 2016

Action Plan Due: May 12, 2016

**Department of Elementary and Secondary Education Onsite Team Members:
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Commissioner of Elementary and Secondary Education**

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
COORDINATED PROGRAM REVIEW REPORT**

FLLAC Collaborative

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
COORDINATED PROGRAM REVIEW REPORT
FLLAC Collaborative**

SCOPE OF COORDINATED PROGRAM REVIEWS

The Program Quality Assurance unit (PQA) of the Massachusetts Department of Elementary and Secondary Education oversees compliance with education requirements through its Coordinated Program Review System (CPR), through public school district, charter schools, collaborative, and private special education school program reviews, as well as reviews of certain Special Education in Institutional Schools Settings programs. The collaborative reviews cover selected requirements in the following areas:

Special Education (SE)

- selected requirements from the federal Individuals with Disabilities Education Act (IDEA-2004); the federal regulations promulgated under that Act at 34 CFR Part 300; M.G.L. c. 71B, and the Massachusetts Board of Education’s Special Education regulations (603 CMR 28.00), as amended effective March 1, 2007.

Civil Rights Methods of Administration and Other General Education Requirements (CR)

- selected federal civil rights requirements, including requirements under Title VI of the Civil Rights Act of 1964; the Equal Educational Opportunities Act of 1974; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990, together with selected state requirements under M.G.L. c. 76, Section 5 as amended by Chapter 199 of the Acts of 2011 and M.G.L. c. 269 §§ 17 through 19.
- selected requirements from the Massachusetts Board of Education’s Physical Restraint regulations (603 CMR 46.00).
- selected requirements from the Massachusetts Board of Education’s Student Learning Time regulations (603 CMR 27.00).
- various requirements under other federal and state laws.

Approved Public Day Program Standards

- selected requirements from the Massachusetts Board of Elementary and Secondary Education Special Education regulations from 603 CMR 28.09.
- selected requirements from the Massachusetts Program and Safety Standards for Approved Public or Private Day and Residential Special Education School Programs 603 CMR 18.00

COORDINATED PROGRAM REVIEW ELEMENTS

Team: Depending upon the size of and the number of programs to be reviewed, a team of two or more Department staff members, conducts a Coordinated Program Review.

Timing: Each collaborative is scheduled to receive a Coordinated Program Review every six years and a mid-cycle follow-up visit three years after the Coordinated Program Review.

Criteria: The criteria PQA uses for monitoring the collaborative programs are included in the Collaborative Information Package, along with citations to state and federal statutes and regulations. These criteria cover the areas of special education and civil rights necessary to determine that special education and civil rights are being provided in accordance with applicable state and federal laws and/or regulations.

Methods: Methods used in reviewing programs include:

- Review of documentation about the operation of the collaborative programs.
- Interviews of administrative, instructional, and support staff across all selected programs and grade levels.
- Interviews of parent advisory council (PAC) representatives (if the collaborative has a PAC) and other interviews as requested by other parents or members of the general public.
- Review of student records for special education. The Department selects a representative sample of student records for the onsite team to review, using standard Department procedures, to determine whether procedural and programmatic requirements have been implemented.
- Surveys of parents of students with disabilities whose files are selected for the record review, as well as the parents of an equal number of other students with disabilities, are sent a survey that solicits information regarding their experiences with the collaborative.
- Observation of classrooms and other facilities. The onsite team visits a sample of classrooms and other school facilities used in the delivery of programs and services to determine general levels of compliance with program requirements.

Report: **Preparation:**

At the end of the onsite visit, the onsite team will hold an informal exit meeting to summarize its preliminary thoughts for the collaborative director and anyone else he or she chooses. Within approximately 45 business days of the onsite visit, the onsite chairperson will forward to the collaborative director a Draft Report containing comments from the Program Review. The collaborative will then have 10 business days to review the report for factual accuracy before the publication of a Final Report. The Final Report will be issued within approximately 60 business days of the conclusion of the onsite visit and will be posted on the Department's website at <http://www.doe.mass.edu/pqa/review/>.

Content:

The Final Report will include the following:

Ratings. The onsite team gives a rating for each compliance criterion it reviews; those ratings are "Commendable," "Implemented," "Implementation in Progress," "Partially Implemented," "Not Implemented," and "Not Applicable."

Findings. The onsite team includes a finding for each criterion that it rates “Commendable,” “Partially Implemented,” or “Not Implemented,” explaining the basis for the rating. It may also include findings for other criteria.

Response: Where criteria are found “Partially Implemented” or “Not Implemented,” the collaborative must propose corrective action to bring those areas into compliance with the relevant statutes and regulations. This corrective action plan will be due to the Department within 20 business days after the issuance of the Final Report and is subject to the Department’s review and approval.

As the collaborative implements the approved corrective action, Department staff will provide ongoing technical assistance.

The Department believes that the Coordinated Program Review is a positive experience and that the Final Report is helpful in planning for the continued improvement of programs and services in each school district, charter school, and educational collaborative.

Collaborative agencies must demonstrate effective resolution of noncompliance identified by the Department as soon as possible but in no case later than one year from the issuance of the Department’s Final Program Review Report.

MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION COORDINATED PROGRAM REVIEW REPORT

INTRODUCTION TO THE FINAL REPORT

During the week of November 2, 2015, a two-member Massachusetts Department of Elementary and Secondary Education team visited the FLLAC Collaborative to evaluate the implementation of selected criteria in the program areas of special education, civil rights and other related general education requirements. The team visited the programs located in the following public schools: Page Hilltop School, Clinton Middle School, and Ayer/Shirley Regional High School. The team also visited Caldwell Elementary and Caldwell Alternative Approved Public Day Programs. The team appreciated the opportunity to interview staff and to observe classroom facilities and to review the programs underway in the collaborative.

The Department is submitting the following Coordinated Program Review Report containing findings made pursuant to this onsite visit. In preparing this report, the team reviewed extensive written documentation regarding the operation of the district's programs, together with information gathered by means of the following Department program review methods:

- Interviews of four administrative staff.
- Interviews of 30 teaching and support services staff across all levels.
- Interviews as requested by persons from the general public.
- Student record reviews: Samples of 120 special education student records. These student records were first examined by local staff, whose findings were then verified by the onsite team using standard Department record review procedures.
- Surveys of parents of students with disabilities: 43 parents of students with disabilities were sent surveys that solicited information about their experiences with the district's implementation of special education programs, related services and procedural requirements. Thirteen of these parent surveys were returned to the Department of Elementary and Secondary Education for review.
- Observation of classrooms and other facilities. A sample of 13 instructional classrooms and other school facilities used in the delivery of programs and services were visited to examine general levels of compliance with program requirements.

The report includes findings in the program areas reviewed organized under three components: Special Education Legal Standards, Civil Rights: Methods of Administration and Other Related General Education Requirements, and Approved Public Day Program Standards.

The findings in each area explain the “ratings,” determinations by the team about the implementation status of the criteria reviewed. The ratings indicate those criteria that were found by the team to be substantially “Implemented” or implemented in a “Commendable” manner. (Refer to the “Definition of Compliance Ratings” section of the report.) Where criteria were found to be either "Partially Implemented" or "Not Implemented," the collaborative must propose to the Department corrective actions to bring those areas into compliance with the controlling statute or regulation. The collaborative is expected to incorporate the corrective action into their professional development plans.

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
COORDINATED PROGRAM REVIEW REPORT**

FLLAC Collaborative

**SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT
REQUIRING CORRECTIVE ACTION**

PROGRAM AREA	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED	OTHER CRITERIA REQUIRING RESPONSE
Special Education	SE 13, SE 22, SE 41, SE 46, SE 51		
Civil Rights and Other General Education Requirements	CR 10A, CR 10B		CR 17A
Approved Public Day School Standards	APD 5.2(a), APD 8.5, APD 8.8, APD 9.1(a), APD 9.6, APD 15.5		APD 9.4

NOTE THAT ALL OTHER CRITERIA REVIEWED BY THE DEPARTMENT THAT ARE NOT MENTIONED ABOVE HAVE RECEIVED AN “IMPLEMENTED” OR “NOT APPLICABLE” RATING.

DEFINITION OF COMPLIANCE RATINGS

Commendable	Any requirement or aspect of a requirement implemented in an exemplary manner significantly beyond the requirements of law or regulation.
Implemented	The requirement is substantially met in all important aspects.
Not Implemented	The requirement is totally or substantially not met.
Not Applicable	The requirement does not apply to the collaborative.

SPECIAL EDUCATION

**LEGAL STANDARDS,
COMPLIANCE RATINGS AND
FINDINGS**

CRITERION NUMBER	ASSESSMENT OF STUDENTS				
	Legal Standard				
SE 5	<p>Participation in general State and district-wide assessment programs All students with disabilities, including those enrolled in out-of-district placements, are included in the Massachusetts Comprehensive Assessment System (MCAS) and other district-wide assessment programs.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>State Requirements St. 2003, c. 140, s. 119; 603 CMR 30.05(2),(3),(5)</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Federal Requirements 20 U.S.C. 1412(a)(16)</p> </td> </tr> </table> <p><i>SE 5 is related to State Performance Plan Indicator 3.</i> (See http://www.doe.mass.edu/sped/spp/.)</p> <p><i>See also Administrative Advisories SPED 2002-4-REVISED: Special Education Students in Out-of-District Placements - Participation in MCAS Testing and High School Graduation Standards and SPED 2004-2: AYP and Students with Disabilities.</i></p>			<p>State Requirements St. 2003, c. 140, s. 119; 603 CMR 30.05(2),(3),(5)</p>	<p>Federal Requirements 20 U.S.C. 1412(a)(16)</p>
<p>State Requirements St. 2003, c. 140, s. 119; 603 CMR 30.05(2),(3),(5)</p>	<p>Federal Requirements 20 U.S.C. 1412(a)(16)</p>				
	Rating: Implemented	Response Required:	No		

CRITERION NUMBER					
	Legal Standard				
SE 6	<p>Determination of transition services The Team discusses the student's transition needs annually beginning no later than when the student is 14 years old and documents its discussion on the Transition Planning Form.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>State Requirements M.G.L.c.71B, Sections 12A-C 603 CMR 28.05(4)(c)</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Federal Requirements 34 CFR 300.320(b); 300.321(b); 300.322(b)(2); 300.324(c)</p> </td> </tr> </table>			<p>State Requirements M.G.L.c.71B, Sections 12A-C 603 CMR 28.05(4)(c)</p>	<p>Federal Requirements 34 CFR 300.320(b); 300.321(b); 300.322(b)(2); 300.324(c)</p>
<p>State Requirements M.G.L.c.71B, Sections 12A-C 603 CMR 28.05(4)(c)</p>	<p>Federal Requirements 34 CFR 300.320(b); 300.321(b); 300.322(b)(2); 300.324(c)</p>				
	Rating: Implemented	Response Required:	No		

CRITERION NUMBER			
	Legal Standard		
SE 13	<p>Progress Reports and content</p> <ol style="list-style-type: none"> 1. Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students. 2. Progress report information sent to parents includes written information on the student's progress toward the annual goals in the IEP. 3. Where a student's eligibility terminates because the student has graduated from secondary school or exceeded the age of eligibility, the collaborative provides the student with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her postsecondary goals. <p>State Requirements 603 CMR 28.07(3)</p> <p>Federal Requirements 34 CFR 300.305(e)(3); 300.320(a)(3)</p>		
	Rating: Partially Implemented	Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Review of student records and staff interviews indicated that progress reports are issued on time, and contain progress towards student's annual IEP goals, however some progress reports were written on goals from IEPs that had not yet been signed and accepted by the parent.

CRITERION NUMBER	STUDENT IDENTIFICATION AND PROGRAM PLACEMENT		
	Legal Standard		
SE 22	<p>IEP implementation and availability</p> <ol style="list-style-type: none"> 1. Where the IEP of the student in need of special education has been accepted in whole or in part by that student's parent, the collaborative provides the mutually agreed upon services without delay. 2. At the beginning of each school year, there is an IEP in effect for each enrolled student. 3. Each teacher and provider described in the IEP is informed of his or her specific responsibilities related to the implementation of the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student under it. 4. The collaborative does not delay implementation of the IEP due to lack of classroom space or personnel, provides as many of the services on the accepted IEP as possible and immediately informs the responsible school district and parents in writing of any delayed services, reasons for delay, actions that the collaborative is taking to address the lack of space or personnel and offers alternative methods to meet the goals on the accepted IEP. Upon agreement of the responsible school district and parents, the collaborative implements alternative methods immediately until the lack of space or personnel issues are resolved. <p>State Requirements 603 CMR 28.05(7)(b); 28.06(2)(d)(2)</p> <p>Federal Requirements 34 CFR 300.323</p> <p>SE 22 is related to State Performance Plan Indicator 3.</p>		
	Rating: Partially Implemented	Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Review of student records and staff interviews indicated that not all students have a signed, current IEP in effect at the beginning of each school year.

CRITERION NUMBER	PARENT AND COMMUNITY INVOLVEMENT		
	Legal Standard		
SE 29	<p>Communications are in English and primary language of home</p> <ol style="list-style-type: none"> Communications with parents are in clear and commonly understood words and are in both English and the primary language of the home if such primary language is other than English. Any interpreter used in fulfilling these requirements is fluent in the primary language of the home and familiar with special education procedures, programs, and services. If the parents or the student are unable to read in any language or are blind or deaf, communications required by these regulations are made orally in English with the use of a foreign language interpreter, in Braille, in sign language, via TTY, or in writing, whichever is appropriate, and all such communications are documented. If the collaborative provides notices orally or in some other mode of communication that is not written language, the collaborative keeps written documentation (a) that it has provided such notice in an alternate manner, (b) of the content of the notice and (c) of the steps taken to ensure that the parent understands the content of the notice. <p>State Requirements 603 CMR 28.07(8)</p> <p>Federal Requirements 34 CFR 300.322(e); 300.503(c)</p> <p>SE 29 is related to State Performance Plan Indicator 8. (See http://www.doe.mass.edu/sped/spp/.)</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER	CURRICULUM AND INSTRUCTION		
	Legal Standard		
SE 35	<p>Assistive technology: specialized materials and equipment</p> <ol style="list-style-type: none"> Specialized materials and equipment specified in IEPs are provided. Evidence is provided that assistive technology is considered for each eligible student and—if the student needs it in order to receive a free, appropriate public education—is described in the IEP and provided. <p>State Requirements</p> <p>Federal Requirements 34 CFR 300.105; 300.324(a)(2)(v)</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 40	<p>Instructional grouping requirements for students aged five and older</p> <ol style="list-style-type: none"> 1. The size and composition of instructional groupings for eligible students receiving services outside the general education classroom are compatible with the methods and goals stated in each student's IEP. 2. Instructional grouping size requirements are maximum sizes and the collaborative exercises judgment in determining appropriate group size and supports for smaller instructional groups serving students with complex special needs. 3. When eligible students are assigned to instructional groupings outside of the general education classroom for <u>60% or less of the students' school schedule</u>, group size does not exceed <ul style="list-style-type: none"> • 8 students with a certified special educator, • 12 students if the certified special educator is assisted by 1 aide, and • 16 students if the certified special educator is assisted by 2 aides. 4. For eligible students served in settings that are substantially separate, serving solely students with disabilities for <u>more than 60% of the students' school schedule</u>, the collaborative provides instructional groupings that do not exceed <ul style="list-style-type: none"> • 8 students to 1 certified special educator, or • 12 students to 1 certified special educator and 1 aide. 5. After the school year has begun, if instructional groups have reached maximum size as delineated in parts 3 and 4 of this criterion, the administrator of the program, collaborative director <u>and</u> the certified special educator(s) providing services in an instructional group may decide to increase the size of an instructional grouping by no more than 2 additional students if the additional students have compatible instructional needs. 6. In such cases, the collaborative provides written notification to the Department and the parents of all group members of the decision to increase the instructional group size and the reasons for such decision. Such increased instructional group sizes are in effect only for the year in which they are initiated. 7. The collaborative takes all steps necessary to reduce the instructional groups to the sizes outlined in parts 3 or 4 of this criterion for subsequent years. Such steps are documented by the collaborative. <p>State Requirements 603 CMR 28.06(6)</p> <p style="text-align: right;">Federal Requirements</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 42	<p>Programs for young children three and four years of age <u>General requirements:</u></p> <ol style="list-style-type: none"> 1. Where programs are provided for eligible students three and four years of age such programs shall be developmentally appropriate and specially designed for students ages three and four years. 2. Reserved 3. Where appropriate the Team allows a student to remain in a program designed for three and four year old students for the duration of the school year in which the student turns five years old (including the summer following the date of the student's fifth birthday). <p><u>Types of Settings:</u> Substantially separate programs for young students are located in a public School classroom or facility that serves primarily or solely students with disabilities. Substantially separate programs adhere to the following standards:</p> <ol style="list-style-type: none"> a. Substantially separate programs are programs in which more than 50% of the students have disabilities. b. Substantially separate programs operated by the collaborative limit class sizes to 9 students with 1 teacher and 1 aide. <p>State Requirements 603 CMR 28.06(7)</p> <p>Federal Requirements 34 CFR 300.101(b); 300.124(b); 300.323(b)</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER	STUDENT SUPPORT SERVICES		
	Legal Standard		
SE 43	<p>Behavioral interventions For a student whose behavior impedes their learning or the learning of others, the Team considers the student's behavior including positive behavioral interventions and the possible need for a functional behavioral assessment.</p> <p>State Requirements</p> <p>Federal Requirements 34 CFR 300.324(a)(2)(i)</p> <p>SE 43 is related to State Performance Plan Indicator 4. (See http://www.doe.mass.edu/sped/spp/.)</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 45	<p>Procedures for suspension up to 10 days and after 10 days: General requirements</p> <ul style="list-style-type: none"> • Any eligible student may be suspended up to 10 days in any school year without implementation of procedures described in criterion SE 46 below. • After a student with special needs has been suspended for 10 days in any school year, during any subsequent removal the public school provides sufficient services for the student to continue to receive a free and appropriate public education. • The collaborative provides additional procedural safeguards for students with disabilities prior to any suspension beyond 10 consecutive days or more than 10 cumulative days (if there is a pattern of suspension) in any school year. <p>State Requirements M.G.L. c. 76, sections 16-17</p> <p>Federal Requirements 34 CFR 300.530-537</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 46	<p>Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district</p> <ol style="list-style-type: none"> 1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement. 2. When a suspension constitutes a change in placement of a student with disabilities, the collaborative, district personnel, the parent, and other relevant members of the Team, as determined by the collaborative, parent and the district, convene within 10 days of the decision to suspend to review all relevant information in the student’s file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the failure to implement the IEP—“a manifestation determination.” 3. If collaborative and district personnel, the parent, and other relevant members of the Team determine that the behavior is <u>NOT</u> a manifestation of the disability, 		

CRITERION NUMBER			
	Legal Standard		
SE 48	<p>Equal opportunity to participate in educational, nonacademic, extracurricular and ancillary programs, as well as participation in regular education All students receiving special education, regardless of placement, shall have an equal opportunity to participate in and, if appropriate, receive credit for the vocational, supportive, or remedial services that may be available as part of the general education program as well as the non-academic and extracurricular programs of the public school where the collaborative program is located. Programs, services, and activities include, but are not limited to:</p> <ol style="list-style-type: none"> 1. art and music 2. vocational education, industrial arts, and consumer and homemaking education 3. work study and employment opportunities 4. counseling services 5. health services 6. transportation 7. recess and physical education, including adapted physical education 8. athletics and recreational activities 9. school-sponsored groups or clubs 10. meals <p>State Requirements 603 CMR 28.06(5)</p> <p style="text-align: right;">Federal Requirements 34 CFR 300.101 – 113</p> <p>SE 48 is related to State Performance Plan Indicator 5. (See http://www.doe.mass.edu/sped/spp/.)</p> <p><i>See also</i> Administrative Advisory SPED 2002-3: Vocational Educational Services for Students with Disabilities 603 CMR 28.06(5)</p> <p style="text-align: right;">34 CFR 300.101 – 113</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 49	<p>Related services For each student with special education needs found to require related services the collaborative provides or arranges for the provision of transportation and such developmental, corrective, and other supportive services as are required to assist a student to benefit from special education or to access the general curriculum, and includes:</p> <ol style="list-style-type: none"> 1. speech-language pathology and audiology services 2. psychological services 3. physical therapy 4. occupational therapy 5. recreation, including therapeutic recreation 6. counseling services, including rehabilitation counseling 7. orientation and mobility services (peripatology) 8. medical services for diagnostic or evaluation purposes 9. school health services, including school nurse services 10. social work services 11. parent counseling and training, and 12. interpreting services. <p>State Requirements 603 CMR 28.02(18)</p> <p>Federal Requirements) 34 CFR 300.34; 300.323(c)</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER	FACULTY, STAFF AND ADMINISTRATION				
	Legal Standard				
SE 51	<p>Appropriate special education teacher licensure Individuals who design and/or provide direct special education services described in IEPs are appropriately licensed.</p> <table border="0" data-bbox="402 478 1406 577"> <tr> <td data-bbox="402 478 857 577"> <p>State Requirements M.G.L. c. 71, s. 38G; s. 89(qq); 603 CMR 1.07; 7.00; 28.02(3)</p> </td> <td data-bbox="857 478 1406 577"> <p>Federal Requirements 34 CFR 300.18; 300.156</p> </td> </tr> </table> <p><i>See also</i> Massachusetts Charter Schools Technical Advisory 07-01 at http://www.doe.mass.edu/charter/tech_advisory/07_1.html</p>			<p>State Requirements M.G.L. c. 71, s. 38G; s. 89(qq); 603 CMR 1.07; 7.00; 28.02(3)</p>	<p>Federal Requirements 34 CFR 300.18; 300.156</p>
<p>State Requirements M.G.L. c. 71, s. 38G; s. 89(qq); 603 CMR 1.07; 7.00; 28.02(3)</p>	<p>Federal Requirements 34 CFR 300.18; 300.156</p>				
	Rating: Partially Implemented	Response Required:	Yes		

Department of Elementary and Secondary Education Findings:

Review of documents and staff interviews indicated that one special education teacher at the Caldwell Elementary School and two teachers in the ASD/DD programs were not appropriately licensed at the time of the review.

CRITERION NUMBER					
	Legal Standard				
SE 52	<p>Appropriate certifications/licenses or other credentials -- related service providers Any person, including non-educational personnel, who provides related services described under federal special education law, who supervises paraprofessionals in the provision of related services, or who provides support services directly to the general or special education classroom teacher is appropriately certified, licensed, board-registered or otherwise approved to provide such services by the relevant professional standards board or agency for the profession.</p> <table border="0" data-bbox="402 1486 1406 1554"> <tr> <td data-bbox="402 1486 857 1554"> <p>State Requirements 603 CMR 28.02(3),(18)</p> </td> <td data-bbox="857 1486 1406 1554"> <p>Federal Requirements 34 CFR 300.34; 300.156(b)</p> </td> </tr> </table>			<p>State Requirements 603 CMR 28.02(3),(18)</p>	<p>Federal Requirements 34 CFR 300.34; 300.156(b)</p>
<p>State Requirements 603 CMR 28.02(3),(18)</p>	<p>Federal Requirements 34 CFR 300.34; 300.156(b)</p>				
	Rating: Implemented	Response Required:	No		

CRITERION NUMBER			
	Legal Standard		
SE 52A	<p>Registration of educational interpreters Providers of interpreting services for students who are deaf or hard of hearing must be registered with the Massachusetts Commission for the Deaf and Hard of Hearing.</p> <p>State Requirements 603 CMR 28.02(3),(18)</p> <p>Federal Requirements 34 CFR 300.34; 300.156(b)</p> <p><i>See the Memorandum on New Requirements for Registration of Sign Language Interpreters Who Work in Educational Settings at http://www.doe.mass.edu/news/news.asp?id=3416.</i></p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 53	<p>Use of paraprofessionals</p> <ol style="list-style-type: none"> 1. Reserved. 2. Persons employed as paraprofessionals and assistants do not design instruction for students with disabilities but are expected to implement instruction under the supervision of an appropriately certified or licensed professional who is proximate and readily available to provide such supervision. <p>State Requirements</p> <p>Federal Requirements 34 CFR 300.156</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 54	<p>Professional development</p> <p>1. The collaborative considers the needs of all staff in developing training opportunities for professional and paraprofessional staff and provides a variety of offerings.</p> <p>2. The collaborative ensures that all staff, including both special education and general education staff, are trained on:</p> <ul style="list-style-type: none"> a. state and federal special education requirements and related local special education policies and procedures; b. analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the general education classroom of students with diverse learning styles; c. methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate diverse learning styles of all students in the general education classroom; <p>3. If the collaborative provides transportation, then the collaborative provides in-service training for all locally hired <u>and</u> contracted transportation providers, before they begin transporting any special education student receiving special transportation, on his or her needs and appropriate methods of meeting those needs; for any such student it also provides written information on the nature of any needs or problems that may cause difficulties, along with information on appropriate emergency measures. Transportation providers include drivers of general and special education vehicles and any attendants or aides identified by a Team for either type of vehicle.</p> <p>State Requirements M.G.L. c. 71, section 38G , 38Q and 38Q ½; 603 CMR 28.03(1)(a); 28.06(8)(b) and (c)</p> <p>Federal Requirements</p> <p>Parts 1 and 2 of SE 54 are related to State Performance Plan Indicator 5. (See http://www.doe.mass.edu/sped/spp/.)</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER	SCHOOL FACILITIES		
	Legal Standard		
SE 55	<p>Special education facilities and classrooms The school district provides facilities and classrooms for eligible students that</p> <ol style="list-style-type: none"> 1. maximize the inclusion of such students into the life of the school; 2. provide accessibility in order to implement fully each child’s IEP; 3. are at least equal in all physical respects to the average standards of general education facilities and classrooms; 4. are given the same priority as general education programs in the allocation of instructional and other space in public schools in order to minimize the separation or stigmatization of eligible students; and 5. are not identified by signs or other means that stigmatize such students. <p>State Requirements 603 CMR 28.03(1)(b)</p> <p>Federal Requirements Section 504 of the Rehabilitation Act of 1973</p>		
	Rating: Implemented	Response Required:	No

**CIVIL RIGHTS
METHODS OF ADMINISTRATION (CR)
AND
OTHER RELATED GENERAL EDUCATION
REQUIREMENTS**

**LEGAL STANDARDS,
COMPLIANCE RATINGS AND
FINDINGS**

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS PARENTAL INVOLVEMENT	
	Legal Standard	
CR 7	<p>Information to be translated into languages other than English</p> <ol style="list-style-type: none"> 1. Important information and documents, e.g. handbooks and codes of conduct, being distributed to parents are translated into the major languages spoken by parents or guardians with limited English skills; the district has established a system of oral interpretation to assist parents/guardians with limited English skills, including those who speak low-incidence languages. 2. Collaborative recruitment and promotional materials being disseminated to residents in the area served by the school or program are translated into the major languages spoken by residents with limited English skills. <p>Title VI; EEOA: 20 U.S.C. 1703(f); M.G.L. c. 76, s. 5; 603 CMR 26.02(2)</p>	
	Rating: Implemented	Response Required: No

CRITERION NUMBER	CURRICULUM AND INSTRUCTION	
	Legal Standard	
CR 7A	<p>School year schedules</p> <ol style="list-style-type: none"> 1. Before the beginning of each school year, the collaborative sets a school year schedule for each school. The school year includes at least 185 school days for students in grades 1-12 at each elementary, middle, and secondary school/program in the collaborative and these schools/programs are in operation for at least 180 days a year for these students. 2. The collaborative ensures that unless his or her IEP provides otherwise, each elementary school student is scheduled for at least 900 hours of structured learning time a year and each secondary school student is scheduled for at least 990 hours of structured learning time a year, within the required school year schedule. Where the collaborative operates separate middle schools, it designates each one as either elementary or secondary. 3. Where the collaborative sets a separate school year and school day schedule for kindergarten programs, it provides at least 425 hours of structured learning time a year. If the collaborative schedules two sessions of kindergarten a day, it ensures equal instructional time for all kindergarten students. <p>M.G.L. c. 69, § 1G; 603 CMR 27.03, 27.04</p>	
	Rating: Implemented	Response Required: No

CRITERION NUMBER			
	Legal Standard		
CR 7B	<p>Structured learning time</p> <ol style="list-style-type: none"> 1. The collaborative ensures that its structured learning time is time during which students are engaged in regularly scheduled instruction, learning, or assessments within the curriculum of core subjects and other subjects as defined in 603 CMR 27.02 (including physical education, required by M.G.L. c. 71, s. 3). The collaborative's structured learning time may include directed study (activities directly related to a program of studies, with a teacher available to assist students), independent study (a rigorous, individually designed program under the direction of a teacher, assigned a grade and credit), technology-assisted learning, presentations by persons other than teachers, school-to-work programs, and statewide student performance assessments. 2. The collaborative ensures that its structured learning time does not include time at breakfast or lunch, passing between classes, in homeroom, at recess, in non-directed study periods (study halls), participating in optional school programs, or receiving school services such as health screening, speech, or physical and occupational therapy, except where those services are prescribed by a student's IEP. 3. The hours spent in any type of structured learning time are verified by the collaborative. Where the collaborative counts independent study or a school-to-work program as structured learning time, it has guidelines that explain clearly how hours spent by students are verified. <p>M.G.L. c. 69, s. 1G; 603 CMR 27.02, 27.04</p>		
	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Rating: Implemented</td> <td style="width: 50%;">Response Required: No</td> </tr> </table>	Rating: Implemented	Response Required: No
Rating: Implemented	Response Required: No		

CRITERION NUMBER			
	Legal Standard		
CR 7C	<p>Early release of high school seniors</p> <p>When the collaborative schedules the early release at the end of the year of the senior class of a high school, it does so in a way that conforms with Board of Education requirements under 603 CMR 27.05, ensuring that neither the conclusion of the seniors' school year nor graduation is more than 12 school days before the regular scheduled closing date of that school.</p> <p>M.G.L. c. 69, § 1G; 603 CMR 27.05</p>		
	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Rating: Implemented</td> <td style="width: 50%;">Response Required: No</td> </tr> </table>	Rating: Implemented	Response Required: No
Rating: Implemented	Response Required: No		

CRITERION NUMBER	STUDENT SUPPORT SERVICES	
	Legal Standard	
CR 10	<p>Anti-Hazing Reports</p> <p>1. The principal/program director of each collaborative secondary school issues a copy of M.G.L. c. 269 §§ 17 through 19, to every student enrolled full-time, and every student group, student team, or student organization, including every unaffiliated student group, student team, or student organization, and a copy of the school's anti-hazing disciplinary policy approved by the school committee.</p> <p>2. Each collaborative secondary school files, at least annually, a report with the Department certifying</p> <ul style="list-style-type: none"> a) Its compliance with its responsibility to inform student groups, teams, or organizations, and every full-time enrolled student, of the provisions of M.G.L. c. 269 §§ 17 through 19; b) Its adoption of a disciplinary policy with regard to the organizers and participants of hazing; and c) That the hazing policy has been included in the student handbook or other means of communicating school policies to students. <p>Authority: M.G.L. c. 269 §§ 17 through 19</p>	
	Rating: Implemented	Response Required: No

CRITERION NUMBER	STUDENT SUPPORT SERVICES	
	Legal Standard	
CR 10A	<p>Student handbooks and codes of conduct</p> <p>1. a) The collaborative has a code of conduct for students and one for teachers. b) The principal/program director of every collaborative school/program containing grades 9-12 prepares, in consultation with the Board of Directors, a student handbook containing the student code of conduct and distributes it to each student annually, as well as to parents and school personnel; the collaborative revises the student code of conduct every year. c) The principal/program director of every collaborative school/program containing other grades distributes the student code of conduct to students, parents, and personnel annually. d) At the request of a parent or student whose primary language is not English, a student handbook or student code of conduct is translated into that language.</p> <p>2. Student codes of conduct contain:</p> <ul style="list-style-type: none"> a) procedures assuring due process in disciplinary proceedings and b) appropriate procedures for the discipline of students with special needs and students with Section 504 Accommodation Plans. 	

CRITERION NUMBER	STUDENT SUPPORT SERVICES	
	Legal Standard	
	<p>3. Student handbooks and codes of conduct reference M.G.L. c. 76, s. 5 and contain:</p> <ul style="list-style-type: none"> d) nondiscrimination policy that is consistent with M.G.L. c. 76, s. 5, and affirms the school’s non-tolerance for harassment based on race, color, national origin, sex, religion, or sexual orientation, or discrimination on those same bases; e) the procedure for accepting, investigating and resolving complaints alleging discrimination or harassment; and f) the disciplinary measures that the school may impose if it determines that harassment or discrimination has occurred. <p>Section 504; M.G.L. c. 71, s. 37H; 603 CMR 26.08</p>	
	Rating: Partially Implemented	Response Required: Yes

Department of Elementary and Secondary Education Findings:

Review of documents indicated that the codes of conduct located in all collaborative program handbooks do not contain all required elements.

The Caldwell Alternative School's nondiscrimination statement does not include gender identity as a protected class and does not reference M.G.L. c76, s.5. The code of conduct does not include procedures for discipline of students with section 504 accommodation plans.

Caldwell Elementary School's non discrimination statement does not reference M.G.L. c76, s.5 and does not include gender identity as a protected class. The code of conduct does not contain the procedure for accepting, investigating, and resolving complaints, and does not contain a discipline policy for students with 504 accommodation plans.

The ASD/DD program’s non discrimination statement does not reference M.G.L. c76, s.5 and does not include gender identity as a protected class. The code of conduct does not contain the procedure for accepting, investigating, and resolving complaints and does not contain a discipline policy for students with 504 accommodation plans.

CRITERION NUMBER		
	Legal Standard	
CR 10B	<p>Bullying Intervention and Prevention</p> <ol style="list-style-type: none"> 1. The collaborative must amend school handbooks to include an age-appropriate summary of their new Bullying Prevention and Intervention Plan. 2. Collaborative employee handbooks must contain relevant sections of the Plan relating to the duties of faculty and staff. 3. Each year the collaborative must give parents and guardians annual written notice of the student-related sections of the local Plan. 4. Each year the collaborative must provide all staff with annual written notice of the Plan. 5. The collaborative must implement, for all staff professional development that includes developmentally appropriate strategies to prevent bullying incidents; developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; information on the incidence and nature of cyber-bullying; and internet safety issues as they relate to cyber-bullying. <p>State Requirements</p> <p>M.G.L.c. 71, section 37H, as amended by Chapter 92 of the Acts of 2010. M.G.L.c. 71, section 37O (e) (1) & (2). M.G.L.c. 71, section 370(d) as amended by Section 72-74 of Chapter 38 of the Acts of 2013.</p>	
	Rating: Partially Implemented	Response Required: Yes

Department of Elementary and Secondary Education Findings:

Review of documents indicated that the Collaborative Bullying Prevention and Intervention Plan in the ASD/DD program handbook does not make clear that a member of the school staff may be the "aggressor" or "perpetrator", and does not include protections to for students who are bullied by a member of the school staff. Additionally the Bullying Prevention and Intervention plan located on the collaborative website has not been updated to include that school staff may be the "aggressor" or "perpetrator".

CRITERION NUMBER			
	Legal Standard		
<p>CR 17A</p>	<p>Use of physical restraint on any student enrolled in a publicly-funded education program</p> <ol style="list-style-type: none"> 1. a) The collaborative has developed and implemented staff training at least annually on the use of physical restraint consistent with regulatory requirements. Such training occurs within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. b) At the beginning of each school year, each program identifies staff authorized to serve as school-wide resources to help ensure the proper administration of physical restraint. Staff so identified have completed in-depth training in the use of physical restraint consistent with 603 CMR 46.03(3) and (4). 2. The collaborative administers physical restraint on students only when needed to protect a student and/or a member of the school community from imminent, serious, physical harm. The collaborative implements restraint procedures consistent with Department of Elementary and Secondary Education regulations in order to prevent or minimize any harm to the student as a result of the use of physical restraint. 3. The collaborative has developed written procedures regarding appropriate responses to student behavior that may require immediate intervention. Such procedures are annually reviewed and provided to school staff and made available to parents of enrolled students. 4. The collaborative has developed and implemented reporting requirements and procedures for administrators, parents and the Department consistent with the regulations. 5. The collaborative has developed and implemented any applicable individual waiver procedures consistent with the regulations. <p>M.G.L. c. 71, s. 37G; 603 CMR 46.00</p> <p>Implementation Guidance: Only staff who have received training under part 1a) or b) may administer physical restraint on students, except that all staff may use reasonable force to protect themselves or others from assault or imminent, serious physical harm. Staff who have received training under part 1 a) only may not administer floor or prone restraints</p>		
	Rating: Implementation In Progress	Response Required:	Yes

Department of Elementary and Secondary Education Findings:

The collaborative meets all current requirements with regard to physical restraint. The collaborative has begun developing written restraint prevention and behavior support policy and procedures consistent with new regulations under 603 CMR 46.00, which went into effect on January 1, 2016. A staff training has also been held regarding regulation changes.

CRITERION NUMBER			
	Legal Standard		
CR 20	<p>Staff training on confidentiality of student records The collaborative trains school personnel on the provisions of the Family Educational Rights and Privacy Act, M.G.L. c. 71, s. 34H, and 603 CMR 23.00 and on the importance of information privacy and confidentiality.</p> <p>FERPA: 20 U.S.C. § 1232g; 34 CFR Part 99; M.G.L. c. 71, § 34H; 603 CMR 23.00, esp. 23.05(3)</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CR 21	<p>Staff training regarding civil rights responsibilities The collaborative provides in-service training for all school personnel at least annually regarding civil rights responsibilities, including the prevention of discrimination and harassment on the basis of students' race, color, sex, religion, national origin and sexual orientation and the appropriate methods for responding to it in the school setting.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31-106.42; M.G.L. c. 76, § 5; 603 CMR 26.00, esp. 26.07(2), (3)</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER	RECORD KEEPING		
	Legal Standard		
CR 26A	<p>Confidentiality and student records</p> <ol style="list-style-type: none"> 1. In accordance with federal and state requirements, the collaborative protects the confidentiality of any personally identifiable information that it collects, uses or maintains. 2. The collaborative maintains and provides access to student records in accordance with federal and state requirements. <p>FERPA: 20 U.S.C. § 1232g; 34 CFR Part 99; M.G.L. c. 71, § 34H; 603 CMR 23.05, 23.07</p>		
	Rating: Implemented	Response Required:	No

**APPROVED PUBLIC DAY PROGRAM
LEGAL STANDARDS,
COMPLIANCE RATINGS AND
FINDINGS**

AREA 3: ADMINISTRATION – MANUALS AND HANDBOOKS

CRITERION NUMBER			
	REQUIREMENTS		
<p>3.1 Policies & Procedures Manual</p> <p>28.09(11)(b)</p>	<p>All approved public day program shall maintain onsite a policies and procedures manual and shall provide written notice to parents of enrolled students that copies of such policies and procedures are available upon request.</p> <p>The program’s manual must contain a Table of Contents and a policy for all subject areas. The policies and procedures must include, but are not limited to:</p> <ul style="list-style-type: none"> • Reporting Suspected Child Abuse/Neglect to DCF and to the Disabled Persons Protection Commission (Criterion 3.1(c)); • Evacuation and Emergency Procedures (3.1(d) ; • Immediate Notification (Form2) (Criterion 4.5); • State and District-Wide Assessments (Criterion 7.3); • Program Modifications and Support Services for Limited English Proficient (LEP) students (Criterion 8.4); • IEP Progress Reports (Criterion 8.8); • Less Restrictive Placement (Criterion 8.10); • Transition Planning (Criterion 8.11); • Behavior Management (Criterion 9.1); • Student Separation Resulting From Behavior Management (Criterion 9.1(a)); • Runaway Students (Criterion 9.3); • Physical Restraint (Criterion 9.4); • 3-5 Day Suspensions (Criterion 9.5); • 10+ Day Suspensions (Criterion 9.6); • Terminations (Criterion 9.7); • Supervision of Students (Criterion 11.11); • New Staff Orientation and Annual In-Service Training (Criterion 12.1 and 12.2); • Parent Involvement (Criterion 15.1); • Change of Student’s Legal Status (Criterion 15.4); • Parent Consent and Notification(Criterion 15.5); • Registering Complaints and Grievances – parents, students and employees (Criterion 15.8); • Student Transportation and Transportation Safety (Only where applicable) (Criterion 17.1); and • Participation of the public day school program as well as school district representatives at the TEAM and other key meetings, including reviewing/revising the IEP (34 CFR 300.321). 		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	REQUIREMENTS		
<p>3.2 Health Care Manual</p> <p>18.05 (9)</p>	<p>The program maintains a written and current Health Care Manual containing a Table of Contents and all required health-related policies and procedures. The program’s physician or a registered nurse shall aid in the development of the Health Care Manual. The program’s licensed physician or a registered nurse shall approve the Health Care Manual.</p> <p>The manual is readily available to all staff and includes the following:</p> <ul style="list-style-type: none"> • Food and Nutrition (Criterion 14.2); (where applicable) • Toileting Procedures (for schools that enroll students who require toilet training or diapering only)(Criterion 14.3); • Physician Consultant (Criterion 16.2); (where applicable) • Provision of Medical, Nursing, and Infirmary Care (Criterion 16.3) (where applicable) • Emergency First Aid and Medical Treatment (Criterion 16.4); • Administration of Medications (Criterion 16.5); • Administration of Anti-psychotic Medications (Criterion 16.6); • Preventive Health Care (Criterion 16.7); • Receipt of Medical Treatment – Religious Beliefs (Criterion 16.8); • Protection from Exposure Based on Allergy to Food, Chemical or Other Material (Criterion 16.11); and, • No Smoking Policy pursuant to G.L. c. 71, § 37H (Criterion 16.12). <p>NOTE: Approved Day Schools must follow the Department of Public Health regulations.</p>		
	Rating: Implemented	Response Required:	No

AREA 4: DISCLOSURE OF INFORMATION

CRITERION NUMBER			
	REQUIREMENTS		
<p>4.2 Public Information and Postings</p> <p>28.09(6)(a, b, c, d, e); 28.09(2)(b)(4)</p>	<p>The following information must be publicly posted:</p> <ul style="list-style-type: none"> • First aid procedures; • Emergency procedures; • Emergency telephone numbers; • Current ESE approval certificate 		

CRITERION NUMBER			
	REQUIREMENTS		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	REQUIREMENTS		
4.5 Immediate Notification 18.03(10); 18.05(7); 28.09(12) (a, b)	<p>The program shall develop and implement a written procedure describing how it notifies all appropriate parties of serious incidents within the program and identifying the person responsible for making this notification.</p> <p>For ALL students (Massachusetts and Out-of-State students) The program makes immediate notification to the parent, the public school district special education administrator, and to any state agency involved in the student’s care or placement (by telephone and letter), and the Department of Elementary and Secondary Education (by telephone and Form 2) of the following incidents:</p> <ul style="list-style-type: none"> • Death of a student; • Filing of a 51-A report with DCF, or a complaint to the Disabled Persons Protection Commission against the school or a school staff member for abuse or neglect of a student; • Any action taken by a federal, state or local agency that might jeopardize the school’s approval with the Department; and • Any legal proceeding brought against the school or its employee(s) arising out of circumstances related to the care or education of any of its students regardless of state of residency. <p><u>For Massachusetts Students Only:</u></p> <ul style="list-style-type: none"> • The hospitalization of a Massachusetts student (including out-patient emergency room visits) due to physical injury at school or previously unidentified illness, accident or disorder which occurs while the student is in the program; • Massachusetts student injury resulting from a motor vehicle accident during transport by school staff (including contracted staff) which requires medical attention; • Massachusetts student serious injury requiring emergency medical intervention resulting from a restraint • Massachusetts student run away; • Emergency termination of a Massachusetts student under circumstances in which the student presents a clear and present threat to the health and safety of him/herself or others pursuant to 18.05(7) (d); and • Any other incident of serious nature that occurs to a Massachusetts student. 		
	Rating: Implemented	Response Required:	No

AREA 5: ADMINISTRATION AND ADMISSION PROCEDURES

CRITERION NUMBER			
	REQUIREMENTS		
<p>5.2 Policies and Procedures for Coordination/ Collaboration with Public School Districts & Contents for Coordination/ Collaboration with Public School Districts</p> <p>28.06(2-3) 28.09(9)(c) &(d) 28.09(2)(b)7</p> <p>Federal Regulations: 300.349 and 300.400-.401</p> <p>28.06(2-3) 28.07(5) 28.09(9)(c) &(d) 28.09(2)(b)7</p>	<p>The collaborative has policies and procedures that describe roles and responsibilities of the program and its staff as well as general communication and collaboration procedures that address the following:</p> <ul style="list-style-type: none"> a. Consideration of possible placement and admissions process; b. IEP development and implementation and roles in 3-year eligibility re-determinations; c. Contents of and general arrangements for executing contracts with placing school districts; d. Participation of the program as well as school district representatives at the Team and other key meetings, including reviewing/revising the IEP; e. Written progress reports; f. Documentation regarding student-related developments, including matters involving students’ behavioral plans, functional behavioral assessments, manifestation determinations, imposition of discipline, etc. g. Administration of tests; h. Preparations for students returning to a public school or other less restrictive setting; i. Preparations for students approaching or reaching ages 14, 16 and 18, later education, and adult life, consistent with IDEA “transition” requirements and state age-of-majority law; j. Monitoring of student progress; k. Conditions for issuance of certificates of attendance or program completion by the educational collaborative. 		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	REQUIREMENTS		
<p>5.2(a) Contracts</p> <p>28.06(3)(f)</p>	<p>There shall be a written contract for each enrolled student consistent with the requirements of 603 CMR 28.06(3) (f).</p> <p>Written contracts: The collaborative shall have a written contract with all school districts. Each contract shall include, but not be limited to, the following terms:</p> <ol style="list-style-type: none"> 1. The out-of-district placement shall comply with all elements of the IEP for the student and shall provide, in writing, to the Administrator of Special Education detailed documentation of such compliance through completion of required student progress reports. 2. The out-of-district placement shall allow the placing school district to monitor and evaluate the education of the student and shall make available, upon request, any records pertaining to the student to authorized school personnel from the school district and the Department in accordance with 603 CMR 23.00: <i>Student Records</i> 3. The out-of-district placement shall allow the placing school district and/or the Department to conduct announced and unannounced site visits and to review all documents relating to the provision of special education services to Massachusetts students at public expense. Access to documents for the placing school district shall include general documents available to the public, documents specifically related to the student placed by such district, and other documents only to the extent they are necessary to verify and evaluate education services provided at public expense. 4. The out-of-district placement shall afford publicly-funded students all the substantive and procedural rights held by eligible students, including but not limited to those specified in 603 CMR 28.09, and shall comply with all other applicable requirements of 603 CMR 28.00 and applicable policy statements and directives issued by the Department. <p>The collaborative shall not discriminate on the grounds of race, color, religion, sexual orientation, or national origin, or that discriminates against qualified persons with disabilities.</p>		
	Rating: Partially Implemented	Response Required:	Yes

Department of Elementary and Secondary Education Findings:

A review of student records and staff interviews indicated that not all student records contain a written contract.

AREA 6: EDUCATIONAL PROGRAM REQUIREMENTS - STUDENT LEARNING TIME

CRITERION NUMBER			
	REQUIREMENTS		
<p>6.1 Daily Instructional Hours</p> <p>603 CMR 27.04</p>	<p>The program ensures that each student is scheduled to receive an average minimum of the following instructional hours unless otherwise approved by ESE or a student's IEP provides otherwise:</p> <ul style="list-style-type: none"> • Elementary – A total of: <ul style="list-style-type: none"> 10 month program – 900 hours 11 month program – 990 hours 12 month program – 1080 hours • Secondary – A total of: <ul style="list-style-type: none"> 10 month program – 990 hours 11 month program – 1089 hours 12 month program – 1188 hours <p>The program ensures that, unless a student's IEP provides otherwise, each elementary school student is scheduled for at least 900 hours of structured learning time a year and each secondary school student is scheduled for at least 990 hours of structured learning time a year (including physical education for all students, required by M.G.L. c. 71, § 3), within the required school year schedule. Where the private special education program operates separate middle schools, at the beginning of the school year it designates each one as either elementary or secondary.</p> <p>NOTE: The program ensures that its structured learning time is time during which students are engaged in regularly scheduled instruction, learning or assessments within the curriculum of core subjects and other subjects as defined in 603 CMR 27.02. The program's structured learning time may include directed study (activities directly related to a program of studies, with a teacher available to assist students); independent study (a rigorous, individually designed program under the direction of a teacher, assigned a grade and credit); technology-assisted learning; presentations by persons other than teachers; school-to-work programs; and statewide student performance assessments.</p>		
	Rating: Implemented	Response Required:	No

AREA 8: EDUCATIONAL PROGRAM REQUIREMENTS - INDIVIDUALIZED EDUCATION PROGRAMS

CRITERION NUMBER	REQUIREMENTS		
8.5 Current IEP & Student Roster 28.09(5)(a)	The program has on file a current IEP for each enrolled Massachusetts student that has been issued by the responsible public school district and consented to and dated by the student’s parent(s) (or student, when applicable).		
	Rating: Partially Implemented	Response Required:	Yes

Department of Elementary and Secondary Education Findings:

A review of student records and staff interviews indicated that for each unsigned IEP there is not always documented evidence of efforts or steps taken for the public school district to obtain signed IEPs. The Collaborative does not consistently maintain documentation showing its efforts to pursue signed IEPs from the district.

CRITERION NUMBER	REQUIREMENTS		
8.8 IEP – Progress Reports 28.07(3) 34 CFR 33.320(a)(3) (ii)	The program shall send copies, quarterly or concurrent with the sending school district’s report cards, of progress reports to the public school. Such reports must include written information on the student’s progress toward the annual goals in the IEP (specifying each quarter), including information on the extent to which such progress is sufficient to enable the child to achieve the goals by the end of the year. Copies of progress reports shall be maintained in student records, <u>including documentation of persons or agencies receiving such reports.</u>		
	Rating: Partially Implemented	Response Required:	Yes

Department of Elementary and Secondary Education Findings:

A review of student records and staff interviews indicated that copies of progress reports maintained in student records do not always include documentation of all persons or agencies receiving such reports.

AREA 9: EDUCATIONAL PROGRAM REQUIREMENTS- STUDENT DISCIPLINE AND BEHAVIOR MANAGEMENT

CRITERION NUMBER			
	REQUIREMENTS		
<p>9.1 Polices and Procedure for Behavior Management</p> <p>18.03(7)(b)(2); 18.05(5, 6, 7); 28.09(11); 603 CMR 46.00; ESE Advisory on Restraint in Special Education Programs dated 12/20/05</p>	<p>The policy must include a description of the behavior management procedures used in the facility including the following if applicable:</p> <ul style="list-style-type: none"> • Level/point systems of privileges, including procedures for the student’s progress in the program; • The type and range of restrictions a staff member can impose for unacceptable behavior, including suspension and termination; • The form of restraint used in an emergency; the behavioral interventions used as alternatives to restraint, and the controls on abuse of such restraints (See 603 CMR 46.00 and 12/20/05 ESE Advisory on Restraint); and • Any denial or restrictions of on-grounds program services. <p><u>NOTE:</u> Meals shall not be withheld as a form of punishment or behavior management. No student shall be denied or unreasonably delayed a meal for any reason other than medical prescriptions.</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	REQUIREMENTS		
<p>9.1(a) Student Separation Resulting from Behavior Management</p> <p>18.05(5)(i); 18.05(6, 7); 46.02(5)(b)</p>	<p>If the program’s behavior management policy and procedures result in a student being separated in a room apart from the group or program activities, it shall include, but not be limited to, the following:</p> <ol style="list-style-type: none"> 1. Guidelines for staff in the utilization of such an area; 2. Persons responsible for implementing such procedures; 3. The duration of the procedures including procedures for approval by the chief administrative person or his/her designee for any period longer than 30 minutes; 4. Requirement that students shall be observed at all times and in all parts of the room, and that the staff shall be accessible at all times; and 5. A means of documenting the use of time-out for an individual student, including, at a minimum, length of time, reasons for this intervention, who approved the procedure, and who monitored the student during the time out. <ul style="list-style-type: none"> • Time out rooms shall not be locked. • Any room or space used for the practice of separation must be physically safe and appropriate to the population served by the facility. 		
	Rating: Partially Implemented	Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Review of documentation indicated the behavior support policy and procedures specific to student separation in the Caldwell Elementary School handbook do not include all required elements. The policy specific to student separation does not include persons responsible for implementing such procedures, and the duration of the procedures, including procedures for approval by the chief administrative person and his/her designee for any period longer than 30 minutes.

CRITERION NUMBER			
	REQUIREMENTS		
<p>9.4 Physical Restraint (Day programs only)</p> <p>18.05(5); 603 CMR 46.00</p>	<p>The program shall have a written policy on the use of physical restraint and administer physical restraint in accordance with the requirements of 603 CMR 46.00.</p> <p>The policy and procedures must include the following:</p> <ul style="list-style-type: none"> • Parent/guardian consent to the implementation of restraint pursuant to the program’s policy must be obtained annually. • The use of chemical or mechanical restraint is prohibited unless explicitly authorized by a physician and approved in writing by the parent or guardian. • The use of seclusion restraint is prohibited. • Methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student; • A description and explanation of the school's or program's method of physical restraint, • A description of the program's training requirements for all staff and intensive training for staff who serve as restraint resources for the program, • Reporting requirements and follow-up procedures for reports to parents/guardians and to the Department, • A procedure for receiving and investigating complaints regarding restraint practices. • Floor or prone restraints shall be prohibited unless the staff member administering the restraint has received in-depth training according to the requirements of 603 CMR 46.03(3) and, in the judgment of the trained staff member, such method is required to provide safety for the student or others present. • The director or his/her designee shall maintain an on-going record of all instances of physical restraint, which shall be made available for review by the Department of Elementary and Secondary Education, upon request, <p>NOTE: A program within a program or facility subject to M.G.L. c. 123 or Department of Mental Health Regulations must comply with the restraint requirements of M.G.L. c. 123, 104 CMR 27.12 or 104 CMR 28.05, where applicable.</p>		
	Rating: Implementation In Progress	Response Required:	Yes

Department of Elementary and Secondary Education Findings:
See CR 17A.

CRITERION NUMBER	REQUIREMENTS		
<p>9.6 10+ Day Suspensions</p> <p>34 CFR 300.530 – 537 18.05(7)</p>	<p>The program shall develop and implement the following procedures when suspensions constitute a change of placement. A suspension is a change of placement when: 1) it exceeds 10 consecutive school days or 2) it is one of a series of suspensions that constitute a pattern under 34 CFR 300.536.</p> <ul style="list-style-type: none"> • A request is made of the student's responsible school district to convene an IEP Team meeting prior to a suspension that constitutes a change in placement of a student with disabilities. • The program participates in the TEAM meeting: <ul style="list-style-type: none"> ○ To develop or review a functional behavioral assessment of the student's behavior and to develop or modify a behavior intervention plan; ○ To identify appropriate alternative educational setting(s); and ○ To conduct a manifestation determination (i.e. to determine the relationship between the disability and the behavior). • If the TEAM determines that the behavior is <u>NOT</u> a manifestation of the disability, the school may suspend or terminate the student consistent with policies applied to any other student in the program. The responsible school district must, however, offer an appropriate education program to the student that may be in some other setting. • If the TEAM determines that the behavior <u>IS</u> a manifestation of the disability, the TEAM, takes steps to modify the IEP, the behavior intervention plan, and/or the placement. <p>NOTE: Sending a student home “early” or an in-school suspension of a student who is not receiving instruction from either a licensed teacher or a paraprofessional who is being supervised by a licensed teacher is considered a suspension if the student's IEP does not allow for the modification of learning time requirements of the Board of Elementary and Secondary Education.</p>		
	Rating: Partially Implemented	Response Required:	Yes

Department of Elementary and Secondary Education Findings:
See SE 46.

AREA 12: EDUCATIONAL STAFFING REQUIREMENTS – STAFF TRAINING

CRITERION NUMBER			
	REQUIREMENTS		
<p>12.2 In-Service Training Plan and Calendar</p> <p>28.09(7)(f); 28.09(9)(b); 28.09(10); 18.03(3); 18.05(9)(e)(1); 18.05(10); 18.05(11)(h) Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31-106.42; M.G.L. c. 76, § 5; 603 CMR 26.00, esp26.07(2, 3)</p>	<p>All staff, including new employees, interns and volunteers, must participate in annual in-service training on average at least two hours per month.</p> <p>The following topics are <u>required</u> in-service training topics and <u>must</u> be provided annually to <u>all staff</u>:</p> <ol style="list-style-type: none"> Reporting abuse and neglect of students to the Department of Children and Families and/or the Disabled Persons Protection Commission; Disciplinary and Behavior Management Procedures used by the program, such as positive reinforcement, point/level systems, token economies, time-out procedures and suspensions and terminations; as well as Restraint Procedures including de-escalation methods used by the program; Runaway policy; Emergency procedures including Evacuation Drills and Emergency Drills; and Civil rights responsibilities (discrimination and harassment). <p>The following <u>additional</u> topics are <u>required</u> in-service training topics and <u>must</u> be provided annually to <u>all teaching staff</u>:</p> <ul style="list-style-type: none"> How the learning standards of the Massachusetts Curriculum Frameworks are incorporated into the program’s instruction; Procedures for inclusion of all students in MCAS testing and/or alternate assessments; and Student record policies and confidentiality issues. <p>The following <u>additional</u> topics are <u>required</u> in-service training topics and <u>must</u> be provided annually to <u>appropriate staff based on their job responsibilities</u>:</p> <ul style="list-style-type: none"> CPR training and certification; Medication administration (including, but not limited to, administration of antipsychotic medications and discussions of medications students are currently taking and their possible side effects); Transportation safety (for staff with transportation-related job responsibilities); and Student record policies and confidentiality issues (for staff who oversee, maintain or access student records). 		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	REQUIREMENTS		
<p>12.2(a) Required Training - Behavior Management and Restraint Training</p> <p>18.05(5, 6, 7)</p>	<p>Training on behavior management and suspension and termination procedures includes:</p> <ul style="list-style-type: none"> • Program’s student conduct/discipline code • Description of safeguards for students’ emotional, physical, and psychological well-being • Policies on use of time-out procedures and techniques for dealing with disruptive and violent behavior • Detailed procedures pertaining to the use of any type of restraint, which must meet or exceed any requirements in applicable state regulations or policy • Procedures for obtaining and recording data regarding student discipline and behavior along with a description of how such data will be integrated into IEP Team discussions • Procedures for obtaining parental consent, if appropriate, for behavior management procedures <p>NOTE: An educational program within a program or facility subject to M.G.L. c. 123 or Department of Mental Health Regulations must comply with the restraint requirements of M.G.L. c. 123, 104 CMR 27.12 or 104 CMR 28.05, where applicable.</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	REQUIREMENTS		
<p>12.2(d) Required Training- Medication Training</p> <p>18.05(9)(f)(3)(c)</p>	<p>Training about the nature of a medication, potential side effects and any special precautions or requirements shall be provided by a physician or registered nurse to all staff providing care or instruction to students for whom any staff administers medication.</p>		
	Rating: Implemented	Response Required:	No

AREA 13: PHYSICAL FACILITY AND EQUIPMENT REQUIREMENTS

CRITERION NUMBER			
	Legal Standard		
<p>13.4 Physical Facility/Architectural Barriers</p> <p>18.04(8); Section 504: 29 U.S.C. 794; 34 CFR 104.21, 104.22; Title II: 42 U.S.C. 12132; 28 CFR 35.149, 35.150; Mass. Const. amend. art. 114</p>	<p>A program shall assure that students with limited mobility have access, free from barriers to their mobility, to those areas of the buildings and grounds to which such access is necessary for the implementation of the IEPs for such students. All programs receiving federal funds shall meet the requirements of Section 504 of the Rehabilitation Act of 1973.</p> <p>A program which enrolls students requiring wheelchairs shall have at least one entrance without steps and wide enough for a wheelchair, for each building utilized in carrying out the IEPs for such students.</p> <p>If any part of the program is not accessible to students with limited physical mobility, a plan and timetable shall be provided that describes how the program will make all programs and appropriate buildings accessible.</p>		
	Rating: Implemented	Response Required:	No

AREA 15: PARENT AND STUDENT INVOLEMENT

CRITERION NUMBER			
	REQUIREMENTS		
<p>15.5 Parent Consent and Required Notification</p> <p>18.05(5)(c); 18.05(8); 18.05(9)(f)(1); 18.05 (9)(j); M.G.L. c. 71, § 32A</p>	<p>The program shall develop and implement policy and procedures to work with school districts to obtain the following consents:</p> <ul style="list-style-type: none"> • <u>Annual:</u> <ul style="list-style-type: none"> ○ Emergency medical treatment ○ Restraints ○ Medication Administration (when applicable) • <u>When applicable:</u> <ul style="list-style-type: none"> ○ Research ○ Experimentation ○ Fundraising ○ Publicity and ○ Observation <p>The program’s policy and procedures shall include, when applicable, notification pursuant to Parental Notification Law M.G.L. c. 71, § 32A concerning curriculum that primarily involves human sexual education or human sexuality issues.</p>		
	Rating: Partially Implemented	Response Required:	Yes

Department of Elementary and Secondary Education Findings:

A review of student records revealed that not all records for students at the Caldwell Alternative School contained a signed consent for emergency medical treatment obtained annually.

AREA 16: HEALTH AND MEDICAL SERVICES

CRITERION NUMBER			
	REQUIREMENTS		
<p>16.3 Nursing</p> <p>18.05(9)(b) M.G.L c. 112 M.G.L. c. 71, §§ 53, 53A, and 53B</p>	<p>The program shall have a registered nurse available depending upon the health care needs of the school population.</p> <p>NOTE: School Nurse means a nurse practicing in a school setting, who is:</p> <ul style="list-style-type: none"> (1) a graduate of an approved school for professional nursing; (2) currently licensed as a Registered Nurse pursuant to M.G.L c. 112; and (3) appointed by a School Committee or a Board of Health in accordance with M.G.L. c. 71, §§ 53, 53A, and 53B or, in the case of a private school, by the Board of Trustees. 		
	Rating: Implemented	Response Required:	No

AREA 18: STUDENT RECORDS

CRITERION NUMBER			
	REQUIREMENTS		
<p>18.1 Confidentiality of Student Records</p> <p>28.09(5)(a); 28.09(10); 23.07(1); M.G.L. c. 71, § 34H</p>	<p>Programs shall keep current and complete files for each publicly funded enrolled Massachusetts student and shall manage such files consistent with the Massachusetts Student Record Regulations of 603 CMR 23.00 and M.G.L. c. 71, § 34H.</p> <ul style="list-style-type: none"> • The program shall make the individual records of enrolled Massachusetts students available to the Department of Elementary and Secondary Education upon request. • Staff notes or reports regarding a student shall be legibly dated and signed by persons making entries. • A log of access shall be kept as part of each student’s record. If parts of the student record are separately located, a separate log shall be kept with each part. The log shall indicate all persons who have obtained access to the student record, stating: <ul style="list-style-type: none"> The name, position and signature of the person releasing the information; the name, position and, if a third party, the affiliation if any, of the person who is to receive the information; The date of access; The parts of the record to which access was obtained; and The purpose of such access. <p>NOTE: Unless student record information is to be deleted or released, this log requirement shall not apply to authorized personnel who inspect the student record, administrative office staff and clerical personnel who add information to or obtain access to the student record and the school nurses who inspect the student health record</p>		
	Rating: Implemented	Response Required:	No

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