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| ESE Logo |  | PROGRAM REVIEW PROCEDURES Collaborative Information Package *Collaborative Special Education,*  *Collaborative Civil Rights and*  *Approved Public Day* |
|  |  | School Year 2020- 2021 |
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| **MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**  **Collaborative PROGRAM REVIEW SYSTEM**  **School Year 2020-2021** |

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| **Overview** |

The Massachusetts Department of Elementary and Secondary Education’s Office of Approved Special Education Schools (OASES) oversees compliance with education requirements in collaborative programs through its Program Review (PR) system. The collaborative program reviews cover selected requirements in the following areas:

Collaborative Special Education (CSE)

* 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 Elementary and Secondary Education’s Special Education regulations (603 CMR 28.00).

Collaborative Civil Rights and Other General Education Requirements (CCR)

* 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, § 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 Elementary and Secondary Education’s Physical Restraint regulations (603 CMR 46.00).
* Selected requirements from the Massachusetts Board of Elementary and Secondary Education’s Student Learning Time regulations (603 CMR 27.00).
* Selected requirements governing Bullying Prevention and Intervention under M.G.L. c. 71, § 37H, as amended by Chapter 92 of the Acts of 2010 and as amended by sections 72-74 of Chapter 38 of the Acts of 2013; M.G.L. c. 71, § 37O.
* Various requirements under other federal and state laws.

Approved Public Day Program Standards (APD)

* Selected requirements from the Massachusetts Board of Elementary and Secondary Education Special Education regulations (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).
* Selected requirements from the Massachusetts Physical Restraint regulations (603 CMR 46.00).

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| **The Web-Based Approach to Monitoring** |

Starting with the 2007-2008 SY, the Department commenced the piloting of a new web-based approach to comprehensive special education monitoring. Starting with the 2011-2012 SY, the Department commenced the web-based approach to comprehensive civil rights monitoring. The web-based monitoring system (WBMS) allows school districts and collaboratives to submit, review and exchange documents and information with the Department through the Department's security portal. This approach combines familiar elements from the standard Program Review procedures in combination with new features that strengthen accountability and oversight for special education and civil rights on a continuous basis. WBMS methods used in reviewing the program areas of special education, civil rights and approved public day (if applicable) include:

Self-Assessment Phase: This is a requirement for all collaboratives participating in WBMS and is completed in the year prior to the onsite review.

* Collaborative review of documentation for required elements including document uploads.
* Collaborative review of a sample of special education student records selected from across grade levels, disability categories, and levels of need. Additional requirements for the appropriate selection of the student record sample can be found in the *Guidance for Selecting Student Records – Collaborative Program Review,* in the **WBMS Document Library**.

Upon completion of these portions of the collaborative's self-assessment, the self-assessment is submitted to the Department for review.

Desk Review Phase: The Program Review Chairperson reviews the collaborative's responses to questions regarding the critical elements for appropriate policies, procedures, and practices, as well as actual documents and data submissions by criterion. The collaborative's student record review data and explanatory comments are examined by focus area and by criterion. The outcome of this review and three-year trend data from Form 2s, Restraint Data and complaint data from the Problem Resolution System are used to determine the scope and nature of the Department's onsite activities.

Onsite Verification Phase: For collaboratives that operate multiple programs including, where applicable, approved public day programs, review activities will be selected from the following:

* Interviews of administrative, instructional, and support staff consistent with criteria selected for onsite verification and consultation with the Chairperson.
* Interviews of parent advisory council (PAC) representatives and other telephone interviews as requested by other parents or members of the public.
* Review of student records for special education: The Department selects a sample of student records from those the collaborative reviewed as part of its self-assessment to verify the accuracy of the data. The Department also conducts an independent review of a sample of student records that reflect activities conducted since the beginning of the school year. The onsite team will conduct this review, using standard Department procedures, to determine whether procedural and programmatic requirements have been implemented.
* Surveys of parents of students with disabilities: All parents of students with disabilities are sent a survey that solicits information regarding their experiences with the collaborative's implementation of special education programs, related services, and procedural requirements.
* 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 Chairperson and team will hold an informal exit meeting to summarize their impressions for the Collaborative Director and other administrative staff the Collaborative Director chooses to invite. Within approximately 45 business days of the onsite visit, the Chairperson will forward to the Collaborative Director a Draft Report containing comments from the Program Review. The Draft Report comments are provided to the collaborative online through WBMS. These comments will form the basis for any findings by the Department. The collaborative will then have 10 business days to review the report for accuracy before the publication of a Final Report with ratings and findings. The Final Report will be issued within approximately 60 business days of the conclusion of the onsite visit and posted on the Department's website at the [Collaborative Program Review](https://www.doe.mass.edu/oases/crs/default.html) webpage.

#### Content of Final Report: In the Final Report, the onsite team gives a rating for each compliance criterion it has reviewed; those ratings are "Implemented," "Implementation in Progress," "Partially Implemented," "Not Implemented," and "Not Applicable." "Implementation in Progress," used for criteria containing new or updated legal requirements, means that the collaborative has implemented any old requirements contained in the criterion and is training staff or that the collaborative is beginning to implement the new requirements in such a way that the onsite team anticipates that the new requirements will be implemented by the end of the school year.

Findings and Ratings: The onsite team includes a narrative statement in the Final Report for each criterion that it rates "Partially Implemented," "Not Implemented," "Implementation in Progress," or "Not Applicable," explaining the basis for the rating. It may also include findings for other related criteria.

#### Response: Where criteria are rated “Implementation in Progress, "Partially Implemented" or "Not Implemented," the collaborative must propose corrective action to bring those areas into full compliance with the relevant statutes and regulations. This corrective action plan (CAP) 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. Department staff will offer collaboratives technical assistance on the content and requirements for developing an approvable CAP. The approved CAP will be posted on the Department's website. Department staff will provide ongoing technical assistance as the collaborative is implementing the approved corrective action plan.

#### ***Collaboratives 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.***

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| **Orientation** |

Following the Department’s review of the collaborative’s self-assessment, the Chairperson will contact the collaborative to set up an Orientation session for the Collaborative Director and key administrative personnel to review next steps and establish timelines for essential activities for all program areas. The Chairperson will also discuss the records to be reviewed onsite, the interviews to be conducted and the observations.

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| **Documentation Requirements** |

The onsite team relies heavily on collaborative documentation regarding the collaborative’s programs and services. Documentation will be uploaded into the Web-based Monitoring System (WBMS) as part of the collaborative’s self-assessment.The Local Coordinator is encouraged to notify the onsite chairperson when the collaborative is providing alternative documentation to the onsite team.

Please note that it is not unusual for Department staff to request follow-up information to clarify the submitted documentation. In many cases, this follow-up information is the missing piece that is necessary for the Department to rate a criterion as Implemented.

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| **Student Record Selection and Review** |

During the Orientation session, the Chairperson will provide the collaborative with a list of the names of the special education students whose records have been selected for review by the Department. A representative sample of student records will be examined from those records that were part of the collaborative’s self-assessment, as well as a new sample of student records with activities since the start of the school year. The Chairperson will refer to the collaborative’s roster of eligible special education students to make the student record selection.

A list of the student records selected for review by the onsite team will be provided to the collaborative at the Orientation session, so the records can be assembled and prepared for Department review during the onsite phase of the review. **Where the parts of a selected student record are situated in more than one location, all those parts must be brought together in one location for the Department’s record review.**

During the record review phase, a collaborative representative familiar with special education requirements must be available to assist the onsite team; review procedures will be described in more detail by the Chairperson. The Department reserves the right to select additional student records for review during the course of monitoring.

**Note:** *Massachusetts Department of Elementary and Secondary Education Student Record Regulations provide for Department employees to have access to all information contained in student records without need of the consent of parents. See 603 CMR 23.07(4)(d).*

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| **Interviews** |

Preparation of Interview Schedules

Working with the Department’s Chairperson**, the local Program Review coordinator is responsible for scheduling all interviews for selected personnel.** The local coordinator should work closely with the Chairperson to ensure appropriate scheduling. The ***Onsite Team Member Interview and Observation Schedule*** is in the WBMS Document Library and must be returned to the Chairperson for approval by the Department at least two weeks prior to the onsite visit.

The Department will confirm all interviews to be conducted so that the collaborative can notify all persons selected for interviews. The Chairperson will provide the local Program Review coordinator with a standard letter and description of the review procedures, which is to be copied and distributed to every person selected for interview. In notifying local staff of the interview schedule, the collaborative should emphasize that interviews are not to evaluate a staff member’s individual performance, but to understand each staff member’s experiences in the implementation of various program requirements. Every effort will be made to conduct the interviews in an efficient manner, recognizing that time is valuable. The coordinator must give consideration to spaces that allow interviews to be conducted in a confidential manner.

Interviewees

The ***List of Interviewees for Special Education (SE), Civil Rights (CR) and Approved Public Day Programs (APD)*** is also available in the **WBMS Document Library**.

Selection Criteria for Staff Interviews

In the PR, staff are selected for interview based on the program offerings at each level. For example, at least one special education teacher is interviewed for each type of special education program and from across the range of grade levels. At least one related service provider is interviewed for each kind of related service that the collaborative provides. Instructional aides and administrators will also be interviewed.

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| **Classroom and Facilities Observation** |

The onsite team will visit a sample of classrooms and other school facilities used in the delivery of instruction to determine general levels of compliance with program requirements. The onsite team will observe these instructional programs at each level in the collaborative. The ***Facilities/Classroom Observation Form***, found in the WBMS Document Library**,** will be used by onsite team members to assist in completing this part of the Program Review. The Chairperson will identify the sites to be observed during the Orientation so that the local Program Review coordinator may inform program coordinators and pertinent staff of these observations.

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| SPECIAL EDUCATIONREVIEW CRITERIA2020- 20201 |

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| **CRITERION NUMBER** | **ASSESSMENT OF STUDENTS** | **Source of Information** |
| CSE 5  (RESERVED) | 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.  State Requirements Federal Requirements  St. 2003, c. 140, s. 119; 20 U.S.C. 1412(a)(16)  603 CMR 30.05(2),(3),(5)  SE 5 is related to State Performance Plan Indicator 3.  (See <https://www.doe.mass.edu/sped/spp/maspp.html>.)  *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. |  |
| CSE 6  (RESERVED) | 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.  State Requirements Federal Requirements  M.G.L.c.71B, Sections 12A-C 34 CFR 300.320(b); 300.321(b);  603 CMR 28.05(4)(c) 300.322(b)(2); 300.324(c) | Student Records  Parent Survey  Interviews |
| CSE 13\*  \*and APD 8.8 (where applicable) | Progress reports and content   1. Parents receive reports on the student's progress towards 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 towards the annual goals in the IEP, 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. 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. 4. Copies of progress reports shall be maintained in student records, including documentation of persons or agencies receiving such reports.   State Requirements Federal Requirements  603 CMR 28.07(3) 34 CFR 300.305(e)(3); 300.320(a)(3) | Documentation  Student Records  Parent Survey  Interviews |

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| **CRITERION NUMBER** | **STUDENT IDENTIFICATION AND PROGRAM PLACEMENT** | **Source of Information** |
| CSE 22\*  \*and APD 8.5 (where applicable) | IEP implementation and availability   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, the collaborative has 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 the student, when applicable). 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.   State Requirements Federal Requirements  603 CMR 28.05(7)(b); 28.06(2)(d)(2) 34 CFR 300.323 | Student Roster  Documentation  Student Records  Parent Survey  Interviews |

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| **CRITERION NUMBER** | **STUDENT IDENTIFICATION AND PROGRAM PLACEMENT** | **Source of Information** |
| CSE 29 | Communications are in English and primary language of home   1. 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. 2. 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.   State Requirements Federal Requirements  603 CMR 28.07(8) 34 CFR 300.322(e); 300.503(c) | Documentation  Student Records  Parent Survey  Interviews |

| **CRITERION**  **NUMBER** | **CURRICULUM AND INSTRUCTION** | **Source of Information** |
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| CSE 35 | Assistive technology: specialized materials and equipment  *Assistive technology device* means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.  *Assistive technology service* means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes—  1. The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment;  2. In collaboration with the public school district and as determined by each individual IEP, purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities;  3. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;  4. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;  5. Training or technical assistance for a student with a disability or, if appropriate, that student's family; and  6. Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that student.  In developing each student’s IEP, the IEP Team must consider whether the student needs assistive technology devices and services. Each public agency must ensure that assistive technology devices and services are made available to a student with a disability if required as a part of the student's special education, related services, and/or supplementary aids and services.  • If the Team recommends an assistive technology evaluation, a multidisciplinary team of professionals knowledgeable about assistive technology devices should conduct the assessment with the student and family being included in the evaluation process.  • In instances when assistive technology devices and/or services are determined as required, the Team must further determine and document which settings (classroom, home or other) in which the student needs access to those devices and services in order to assure provision of FAPE.  The IEP Team must also consider the communication needs of the student. Augmentative and alternative communication (AAC) is a form of assistive technology that can help students with disabilities that impede their ability to communicate to meet their education goals and participate fully alongside their nondisabled peers in all aspects of their education. AAC should be considered for those students who cannot communicate effectively through oral speech, including students with autism, cerebral palsy, intellectual disabilities, congenital disabilities, selective mutism, muscle disease, sensory impairments, and traumatic brain injury.  State Requirements Federal Requirements  603 CMR 28.04(2); Technical 34 CFR 300.5; 300.6; 300.105; 300.324(a)(2)(v)  Assistance Advisory SPED 2018-3  Addressing the Communication  Needs of Students with Disabilities  through Augmentative and  Alternative Communication (AAC) | Documentation  Student Records  Parent Survey  Interviews  Observation |
| CSE 40 | Instructional grouping requirements for students aged five and older   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 60% or less of the students’ school schedule, group size does not exceed  * 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.  1. For eligible students served in settings that are substantially separate, serving solely students with disabilities for more than 60% of the students’ school schedule, the collaborative provides instructional groupings that do not exceed  * 8 students to 1 licensed special educator, or * 12 students to 1 licensed special educator and 1 aide.  1. 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 and 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 and then can receive services in their neighborhood school. 2. In such cases, the administrator 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. 3. 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.   State Requirements  603 CMR 28.06(6) | Documentation  Interviews  Observation |
| CSE 41 | Age span requirements  The ages of the youngest and oldest student in any instructional grouping do not differ by more than 48 months. A written request for approval of a wider age range is submitted to the Commissioner of Elementary and Secondary Education in cases where the collaborative believes it is justified. Such requests are implemented only after approval of the Department of Elementary and Secondary Education.  **State Requirements**  603 CMR 28.06(6)(f) | Documentation  Interviews |
| CSE 42  (RESERVED) | Programs for young children three and four years of age  General requirements:   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).   Types of Settings:  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:   1. Substantially separate programs are programs in which more than 50% of the students have disabilities. 2. Substantially separate programs operated by the collaborative limit class sizes to 9 students with 1 teacher and 1 aide.   **State Requirements Federal Requirements**  603 CMR 28.06(7) 34 CFR 300.101(b); 300.124(b); 300.323(b) | Documentation  Interviews |

| **CRITERION**  **NUMBER** | **STUDENT SUPPORT SERVICES** | **Sources of Information** |
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| CSE 43  (RESERVED) | 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.  **State Requirements Federal Requirements**  SE 43 is related to State Performance Plan CFR 300.324(a)(2)(i)  Indicator 4.  (See <https://www.doe.mass.edu/sped/spp/maspp.html>.) | Interviews |
| CSE 44 | Procedure for recording suspensions  The collaborative has a procedure to record the number and duration of suspensions from any part of the student’s program, including suspensions from special transportation prescribed by the IEP.  Federal Requirements  34 CFR 300.530  IDEA 2004 Final Regulations, Analysis of  Comments and Changes, Federal Register  71 (14 August 2006): 46715. | Documentation  Student Records  Interviews |
| CSE 45  (RESERVED) | Procedures for suspension up to 10 days and after 10 days: General requirements   * 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.   State Requirements Federal Requirements  M.G.L. c. 76, sections 16-1734 CFR 300.530-537 | Interviews |
| CSE 46\*  \*and APD 9.6  (where applicable) | 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   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, district personnel, the parent, and other relevant members of the Team determine that the behavior is NOT a manifestation of the disability, then the suspension or expulsion may go forward consistent with the collaborative policies and procedures and the student must be offered: 4. services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress towards IEP goals; and 5. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications to address the behavior so that it does not recur. 6. If collaborative and district personnel, the parent, and other relevant members of the Team determine that the behavior IS a manifestation of the disability, then the Team completes a functional behavioral assessment and behavioral intervention plan if it has not already done so. If a behavioral intervention plan is already in place, the Team reviews it and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational setting the student returns to the original placement unless the collaborative, parents and district agree otherwise or the hearing officer orders a new placement.   Federal Requirements  34 CFR 300.530-537  For a discipline flow chart, see  <https://www.doe.mass.edu/sped/advisories/discipline/> | Documentation  Student Records  Parent Survey  Interviews |
| CSE 48  (RESERVED) | 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:   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   State Requirements Federal Requirements  603 CMR 28.06(5) 34 CFR 300.101 – 113  SE 48 is related to State Performance Plan Indicator 5. (See <https://www.doe.mass.edu/sped/spp/maspp.html>.)  *See also* Administrative Advisory SPED 2002-3: Vocational Educational Services for Students with Disabilities | Documentation  Student Records  Interviews |
| CSE 49  (RESERVED) | 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:   1. speech-language pathology and audiology services 2. psychological services 3. physical therapy 4. occupational therapy 5. recreation, including therapeutic recreation 6. early identification and assessment of disabilities in children, by notification to the responsible public school district 7. counseling services, including rehabilitation counseling 8. orientation and mobility services (peripatology) 9. medical services for diagnostic or evaluation purposes 10. school health services, including school nurse services 11. social work services 12. parent counseling and training, and 13. interpreting services.   State Requirements Federal Requirements)  603 CMR 28.02(18) 34 CFR 300.34; 300.323(c) | Student Records  Documentation  Interviews |

| **CRITERION**  **NUMBER** | **FACULTY, STAFF AND ADMINISTRATION** | **Source of Information** |
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| CSE 51 | Appropriate special education teacher licensure  Individuals who design and/or provide direct special education services described in IEPs are appropriately licensed.  State Requirements Federal Requirements  M.G.L. c. 71, §38G and § 89(qq); 34 CFR 300.156  603 CMR 1.07; 7.00; 28.02(3) | Documentation  Interviews |
| CSE 52 | 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.  State Requirements Federal Requirements  603 CMR 28.02(3),(18) 34 CFR 300.34; 300.156(b) | Documentation  Interviews |
| CSE 52A | **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.  State Requirements Federal Requirements  603 CMR 28.02(3),(18) 34 CFR 300.34; 300.156(b)  *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.aspx?id=3416*](http://www.doe.mass.edu/news/news.aspx?id=3416)*.* | Documentation  Interviews |
| CSE 53 | Use of paraprofessionals   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.   **Federal Requirements**  34 CFR 300.156 | Documentation  Interviews  Observation |
| CSE 54 | **Professional development**  1. The collaborative considers the needs of all staff in developing training opportunities for professional and paraprofessional staff and provides a variety of offerings.  2. The collaborative ensures that all staff, including both special education and general education staff, are trained on:  a. state and federal special education requirements and related local special education policies and procedures;  b. (if applicable when collaborative students may be able to be placed in general education classrooms) 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. (if applicable, when collaborative students are placed in general education classroom(s)) methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate diverse learning styles of all students in the general education classroom.  3. If the collaborative provides transportation, then the collaborative provides in-service training for all locally hired and 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 the collaborative 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.  State Requirements  M.G.L. c. 71, §§ 38G, 38Q and 38Q ½;  603 CMR 28.03(1)(a); 28.06(8)(b) and (c) | Documentation  Interviews |

| **CRITERION**  **NUMBER** | **SCHOOL FACILITIES** | **Source of Information** |
| --- | --- | --- |
| CSE 55  \*and APD 13.4  (where applicable) | Special education facilities and classrooms  The collaborative program is located in facilities and classrooms that:  1. maximize the inclusion of such students into the life of the school;  2. provide accessibility, free from barriers to mobility, to those areas of the buildings and grounds to which such access is necessary in order to implement fully each student’s IEP;  3. are at least equal in all physical respects to the average standards of general education facilities and classrooms in the building in which they are located;  4. are given the same priority as any general education programs in the allocation of instructional and other space in the public school building in which they are located 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.  **Collaborative approved public day programs must meet the following requirements:**   * If the 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. * 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.   State Requirements Federal Requirements  603 CMR 28.03(1)(b) Section 504 of the Rehabilitation Act of 1973 | Documentation  Parent Survey  Interviews  Observation |

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| CIVIL RIGHTS AND OTHER GENERAL EDUCATIONREVIEW CRITERIA2020- 2021 |

| **CRITERION**  **NUMBER** | **STUDENT IDENTIFICATION AND PLACEMENT** | **Source of Information** |
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| CCR 6  (RESERVED) | Availability of in-school programs for pregnant students  1. Pregnant students are permitted to remain in regular classes and participate in extracurricular activities with non-pregnant students throughout their pregnancy, and after giving birth are permitted to return to the same academic and extracurricular program as before the leave. 2. The collaborative does not require a pregnant student to obtain the certification of a physician that the student is physically and emotionally able to continue in school unless it requires such certification for all students for other physical or emotional conditions requiring the attention of a physician.   Federal Requirements  Title IX: 20 U.S.C. 1681; 34 CFR 106.40(b) | Documentation  Interviews |
| CCR 7 | Information to be translated into languages other than English  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 collaborative has established a system of oral interpretation to assist parents/guardians with limited English skills, including those who speak low-incidence languages. 2. Recruitment and promotional materials being disseminated to residents in the area served by the collaborative are translated into the major languages spoken by residents with limited English skills. 3. Information in notices, such as activities, responsibilities, and academic standards, provided to all students is provided to English Learners in a language and mode of communication that they understand. 4. Information provided to students about extracurricular activities and school events is provided to English Learners and to their parents/guardians in a language they understand.   State Requirements Federal Requirements  M.G.L. c. 76, §5; 603 CMR 26.02(2); Title VI; EEOA: 20 U.S.C. 1703(f)  603 CMR 26.03  **Implementation Guidance:**  In order to be able to fulfill the requirements of part 1, the collaborative must have (and use) a system for determining which parents/guardians have limited English skills and so need translations or interpreters. | Documentation  Student Records  Parent Survey  Interviews |

| **CRITERION NUMBER** | **CURRICULUM AND INSTRUCTION** | **Source of Information** |
| --- | --- | --- |
| CCR 7A\*  \*Some elements also apply to  APD 6.1  (where applicable) | **School year schedules**   1. Before the beginning of each school year, the collaborative sets a school year schedule for each program. The school year includes at least 185 school days for students in grades 1-12 at each elementary, middle, and secondary program in the collaborative, and these programs are in operation for at least 180 days a year for these students. 2. The collaborative ensures that unless his or her IEP or Section 504 Accommodation Plan 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 school programs, 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.   **State Requirements**  M.G.L. c. 69, §1G; 603 CMR 27.03, 27.04 | Documentation  Student Records  Interviews  For all programs:   * Structured Learning Time Worksheet * If non-instructional time activities are counted as instructional hours, they must be specified in students’ IEPs. |
| CCR 7B  \*Some elements are related to APD 6.1 – Daily Instructional Hours (if applicable)  (RESERVED) | **Structured learning time** 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, § 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.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.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.State RequirementsM.G.L. c. 69, § 1G; 603 CMR 27.02, 27.04 | Documentation  Student Records  Interviews |
| CCR 7C  (RESERVED) | Early release of high school seniors When 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.  **State Requirements**  M.G.L. c. 69, § 1G; 603 CMR 27.05 | Documentation  Interviews |
| CCR 8  (RESERVED) | Accessibility of extracurricular activities Extracurricular activities sponsored by the collaborative are nondiscriminatory in that:   1. the collaborative provides equal opportunity for all students to participate in intramural and interscholastic sports; and 2. extracurricular activities or clubs sponsored by the collaborative do not exclude students on the basis of race, color, national origin, sex, gender identity, religion, limited English speaking ability, sexual orientation, or homelessness.   State Requirements Federal Requirements  Mass. Const. Amend. Art. 114; Title VI: 42 U.S.C. 2000d and 34 CFR 100.3(a), (b);  M.G.L. c. 76, § 5 and 603 CMR 26.06(1), Title IX: 20 U.S.C. 1681 and 34 CFR 106.31,  as amended by Chapter 199 106.41; Section 504: 29 U.S.C. 794 and  of the Acts of 2011 34 CFR 104.4,104.37(a), (c); Title II: 42 U.S.C.  12132 and 28 CFR 35.130; ESEA: Title X, Part C,  Sec. 721; | Documentation  Interviews |
| CCR 9 | **Hiring and employment practices of prospective employers of students**   1. The collaborative requires each employer recruiting at the collaborative to sign a statement that the employer complies with applicable federal and state laws prohibiting discrimination in hiring or employment practices and the statement specifically includes the following protected categories: race, color, national origin, sex, gender identity, disability, religion, limited English speaking ability, sexual orientation and homelessness. 2. Prospective employers to whom this criterion applies include those participating in career days and work-study and apprenticeship training programs, as well as those offering cooperative work experiences.   **State Requirements**  M.G.L. c. 76, § 5; 603 CMR 26.07(5) as amended by Chapter 199 of the Acts of 2011;  **Implementation Guidance:** The statements signed by employers must indicate that the employer complies with all applicable federal and state laws prohibiting discrimination in hiring or employment practices on the bases of race, color, national origin, sex, gender identity, disability, religion, limited English speaking ability, sexual orientation and homelessness. | Documentation  Interviews |

| **CRITERION**  **NUMBER** | **STUDENT SUPPORT SERVICES** | **Source of Information** |
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| CCR 10 | Anti-Hazing Reports 1. The principal/program director of each secondary school program in the collaborative 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 collaborative’s anti-hazing disciplinary policy approved by the collaborative board.  2. Each secondary school program files, at least annually, a report with the Department certifying:   1. 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; 2. Its adoption of a disciplinary policy with regard to the organizers and participants of hazing; and 3. That the hazing policy has been included in the student handbook or other means of communicating school policies to students.   **State Requirements**  M.G.L. c. 269 §§ 17 through 19 | Documentation  Student Records  Interviews |
| CCR 10A | Student handbooks and codes of conduct  1. a) The collaborative has a code of conduct for students and one for teachers.   b) The principal/program director of every collaborative program containing grades 9-12 prepares, in consultation with the Collaborative Board, 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 Board reviews and revises the student code of conduct every year.  c) The principal/program director of every collaborative 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.   1. Student codes of conduct contain: 2. procedures assuring due process in disciplinary proceedings; and 3. appropriate procedures for the discipline of students with special needs and students with Section 504 Accommodation Plans. 4. Student handbooks and codes of conduct reference M.G.L. c. 76, § 5 and   contain:   1. nondiscrimination policy that is consistent with M.G.L. c. 76, § 5, and affirms the school’s non-tolerance for harassment based on race, color, national origin, sex, gender identity, disability, religion, limited English speaking ability, sexual orientation and homelessness., or discrimination on those same bases; 2. the procedure for accepting, investigating and resolving complaints alleging discrimination or harassment; and 3. the disciplinary measures that the school may impose if it determines that harassment or discrimination has occurred.   State Requirements Federal Requirements  M.G.L. c. 71, §§ 37H, 37H 1/2 and 37H 3/4; Section 504 of the Rehabilitation Act of 1973.  603 CMR 53.00; 603 CMR 26.08,  as amended by Chapter 199  of the Acts of 2011. | Documentation  Student Records  Interviews |
| CCR 10B | **Bullying Prevention and Intervention**   1. The collaborative must update collaborative and program handbooks to conform to its updated amended Bullying Prevention and Intervention Plan (Plan). The collaborative handbook (and local updated Plan) must be consistent with the amendments to the Massachusetts anti-bullying law, which became effective July 1, 2013. The amendments extend protections to students who are bullied by a member of the collaborative/school staff. As defined by M.G.L. c. 71, § 37O, as amended, a member of the collaborative/school staff includes, but is not limited to, an “educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional.” The collaborative handbook must make clear that a member of the staff may be named the “aggressor” or “perpetrator” in a bullying report. 2. Collaborative and program employee handbooks must contain relevant sections of the amended local Plan relating to the duties of faculty and staff and relevant sections of the local Plan addressing the bullying of a student by a staff member. 3. Each year the collaborative and collaborative programs must give parents and guardians annual written notice of the student-related sections of the local Plan. 4. Each year the collaborative and collaborative programs must provide all staff with annual written notice of the local Plan. 5. The collaborative and collaborative programs must implement professional development for all staff 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.   **State Requirements**  M.G.L. c. 71, § 37H, as amended by Chapter 92  of the Acts of 2010 and as amended by  sections 72-74 of Chapter 38 of the Acts of 2013,  M.G.L. c. 71, § 37O. | Documentation  Student Records  Interviews |
| CCR 10C | **Student Discipline**  The collaborative executive director and board of directors shall ensure that policies and procedures are in place in public preschool, elementary, and secondary programs under its jurisdiction that meet, at a minimum, the requirements of M.G.L. c. 71, § 37H3/4, M.G.L. c. 76, § 21, and 603 CMR 53.00. These policies and procedures must address or establish, but are not limited to:   * 1. The notice of suspension and hearing;   2. Procedures for emergency removal;   3. Procedures for principal hearings for both short and long term suspension;   4. Procedures for in-school suspension;   5. Procedures for executive director hearing;   6. Procedures for education services and academic progress (School-wide Education Service Plan).   7. A system for periodic review of discipline data by special populations.   8. Alternatives to suspension.   **State Requirements**  M.G.L. c. 71, § 37H 3/4, M.G.L. c. 76, § 21, and 603 CMR 53.00 | Documentation  Student Records  Interviews |
| CCR 11A | **Designation of coordinator(s); grievance procedures**   1. The collaborative has designated one or more staff persons to serve as coordinator(s) for compliance with its responsibilities under Title IX, Section 504, and (if it employs 50 or more persons) Title II. 2. The collaborative has adopted and published grievance procedures for students and for employees providing for prompt and equitable resolution of complaints alleging discrimination based on sex or disability.   **Federal Requirements**  Title IX: 20 U.S.C. 1681; 34 CFR 106.8; Section  504: 29 U.S.C. 794; 34 CFR 104.7; Title II: 42  U.S.C. 12132; 28 CFR 35.107 | Documentation  Interviews |
| CCR 12A | Annual and continuous notification concerning nondiscrimination and coordinatorsIf the collaborative offers vocational education programs, it advises students, parents, employees and the general public before the beginning of each school year that all vocational opportunities will be offered regardless of race, color, national origin, sex, gender identity, disability, religion , limited English speaking ability, sexual orientation or homelessness. The notice includes a brief summary of program offerings and admission criteria and the name(s), office address(es), and phone number(s) of the person(s) designated under CR 11A to coordinate compliance under Title IX and Section 504.  1. In all cases, the collaborative takes continuing steps to notify applicants, students, parents, and employees (including those with impaired vision or hearing), as well as unions or professional organizations holding collective bargaining or professional agreements with the collaborative, that it does not discriminate on the basis of race, color, national origin, sex, gender identity, disability, religion, limited English speaking ability, sexual orientation or homelessness. This notice, also, includes the name(s), office address(es), and phone number(s) of the person(s) designated under CCR 11A to coordinate compliance under Title IX and Section 504. 2. Written materials and other media used to publicize a school include a notice that the collaborative and its programs does not discriminate on the basis of race, color, national origin, sex, gender identity, disability, religion, limited English speaking ability, sexual orientation or homelessness.    **State Requirements** **Federal Requirements**M.G.L. c. 76, § 5; 603 CMR 26.02(2) as Title VI: 42 U.S.C. 2000d; 34 CFRamended by Chapter 199 of the Acts of 2011. 100.6(d); Title IX: 20 U.S.C. 1681; 34 CFR106.8(a), 106.9; Section 504: 29 U.S.C.794; 34 CFR 104.8. | Documentation  Interviews |
| CCR 13  (RESERVED) | Availability of information and academic counseling on general curricular and occupational/vocational opportunities Students, in grades 7-12, from linguistic, racial, and ethnic minorities; males; females; homeless students; and students with disabilities all receive the same information and academic counseling as other students on the full range of general curricular and any occupational/vocational opportunities available to them.  The collaborative ensures that English Learners (ELs) are taught to the same academic standards and curriculum as all students and provides the same opportunities to master such standards as other students, including the opportunity to enter academically advanced classes, receive credit for work done, and have access to the full range of programs.  The collaborative uses grade appropriate content objectives for ELs that are based on the district curricula in English language arts, history and social science, mathematics, and science and technology/engineering, taught by qualified staff members.  **State Requirements** **Federal Requirements**  Mass. Const. amend. art. 114; Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a),  M.G.L. c. 71A, § 7; c. 76, § 5; (b); Title IX: 20 U.S.C. 1681; 34 CFR 106.31,  603 CMR 26.03. 106.36; Section 504: 29 U.S.C. 794; 34 CFR  104.4, 104.37(b); Title II: 42 U.S.C. 12132; 28  CFR 35.130; NCLB: Title III, Part A, Sec.  3121(c)(1)(C); Title X, Part C, Sec. 721. | Documentation  Interviews |
| CCR 14 | **Counseling and counseling materials free from bias and stereotypes**  To ensure that counseling and counseling materials are free from bias and stereotypes on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, and homelessness, all counselors:   1. encourage students to consider programs of study, courses, extracurricular activities, and occupational opportunities on the basis of individual interests, abilities, and skills; 2. examine testing materials for bias and counteract any found bias when administering tests and interpreting test results; 3. communicate effectively with ELs and disabled students and facilitate their access to all programs and services offered by the district; 4. ensure that ELs have the opportunity to receive guidance and counseling in a language the student understands; 5. support students in educational and occupational pursuits that are nontraditional for their gender.   **State Requirements Federal Requirements**  Mass. Const. amend. art. 114; Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b);  M.G.L. c. 71A, § 7; M.G.L. c. 76 EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C.  § 5 and 603 CMR 26.03, 26.04 1681; 34 CFR 106.31, 106.36; Section 504: 29  and 26.07(8), as amended by Chapter U.S.C. 794; 34 CFR 104.4, 104.37; Title II: 42  199 of the Acts of 2011. U.S.C. 12132; 28 CFR 35.130, 35.160; NCLB:  Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part  C, Sec. 721. | Documentation  Interviews |
| CCR 15 | Non-discriminatory administration of scholarships, prizes and awards Scholarships, prizes and awards sponsored or administered by the collaborative are free of restrictions based upon race, color, sex, gender identity, religion, national origin, sexual orientation or disability.  Collaboratives may post or print information regarding private restricted scholarships as long as no preferential treatment is given to any particular scholarship offered and as long as the collaborative does not endorse or recommend any such scholarship nor advise or suggest to a particular student that he or she apply for such a scholarship.  **State Requirements** **Federal Requirements**  Mass. Const. amend. art. 114; Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; Title  M.G.L. c. 76, § 5 and 603 CMR 26.07(7), IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.37;  as amended by Chapter 199 Section 504: 29 U.S.C. 794; 34 CFR  of the Acts of 2011. 104.4(b)(1)(v); Title II: 42 U.S.C. 12132;  28 CFR 35.130(b)(1)(v). | Documentation  Interviews |

| **CRITERION**  **NUMBER** | **FACULTY, STAFF AND ADMINISTRATION** | **Source of Information** |
| --- | --- | --- |
| CCR 17A  and  APD 9.4 (where applicable) | Use of physical restraint on any student enrolled in a publicly-funded education program  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.    The program administers physical restraint only in emergency situations of last resort when needed to protect a student and/or member of the school community from assault or imminent, serious, physical harm and with extreme caution in order to prevent or minimize any harm to the student as a result of the use of physical restraint.  Physical restraint policy and procedures must include the following:  1. Methods for engaging parents and students in discussions about restraint prevention and use;  2. A description and explanation of the method of physical restraint used by the program in an emergency situation;  3. A statement prohibiting seclusion, medication restraint, mechanical restraint and prone restraint unless permitted under 603 CMR 46.03(1)(b);  4. Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate;  5. A description of the program’s procedure for conducting periodic review of data and documentation on the program’s use of restraint;  6. A description of the program's training requirements for all staff;  7. A description of the intensive training for staff who serve as restraint resources for the program;  8. Reporting requirements and follow-up procedures for reports to parents/guardians and to the Department;  9. A procedure for receiving and investigating complaints regarding restraint practices; and  10. 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 upon request.  **NOTE**: In order for the principal to be able to complete the weekly Individual Student Reviews and monthly Administrative Reviews required by the regulations, at 603 CMR 46.06(5) and (6),  the principal’s log would need to contain the following fields, at a minimum:   * Student name, * Dates of restraint, * Time of restraint, * Duration of restraint, * Individuals involved in the restraint, and * Whether or not anyone (student or staff) was injured.   **NOTE:** A residential educational program must comply with ESE restraint requirements under 603 CMR 46.00 during school hours and EEC restraint requirements under 102 CMR 3.00 during residential hours.  **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.  **NOTE:** Physical restraint training must be provided to all program staff within the first month of the school year regarding restraint prevention and the requirements when restraint is used.  OR  For employees hired after the school year begins, physical restraint training must be provided and completed within one month of the date of hire of the employee.  **State Requirements**  M.G.L. c. 71, §37G; 603 CMR 18.05(5); 603 CMR 46.00. | Documentation  Student Records  Parent Survey  Interviews  Observation |
| CCR 18A | **Collaborative employment practices** Collaborative employment practices in general are free from discrimination on the basis of race, color, gender identity, national origin, sex, or disability. The collaborative’s employee recruitment is aimed at reaching all groups, including members of linguistic, ethnic, and racial minorities, females and males, and persons with disabilities.  **State Requirements** **Federal Requirements**  Mass. Const. amend. art 114. Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(c);  EEOA: 20 U.S.C. 1703(d); Title IX: 20 U.S.C.  1681; 34 CFR 106.51-106.61; Section 504: 29  U.S.C. 794; 34 CFR 104.11-104.14; Title II: 42  U.S.C. 12132; 28 CFR 35.140. | Documentation  Interviews |
| CCR 20/  CCR 26A  and  APD 18.1  (where applicable) | Staff training on confidentiality of student records/Confidentiality and student records The collaborative trains personnel on the provisions of the Family Educational Rights and Privacy Act, M.G.L. c. 71, § 34H, and 603 CMR 23.00, and on the importance of information privacy and confidentiality.  In accordance with federal and state requirements, the collaborative protects the confidentiality of any personally identifiable information that it collects, uses or maintains.  The collaborative maintains and provides access to student records in accordance with federal and state requirements.  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:   * 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.   **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.  **State Requirements Federal Requirements**  M.G.L. c. 71, § 34H; 603 CMR 23.05, FERPA: 20 U.S.C. § 1232g; 34 CFR Part 99. 23.07; 603 CMR 28.09(5)(a) and 28.09(10);  603 CMR 23.07(1); M.G.L. c. 71, § 34H. | Documentation  Student Records  Interviews |
| CCR 21 | **Staff training regarding civil rights responsibilities**  The collaborative provides in-service training for all personnel at least annually regarding civil rights responsibilities, including the prevention of discrimination and harassment on the basis of students’ race, color, sex, gender identity, religion, national origin and sexual orientation and the appropriate methods for responding to it in the program setting.  State Requirements Federal Requirements  M.G.L. c. 76, § 5; Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; EEOA:  603 CMR 26.07(2) and (3). 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34  CFR 106.31-106.42. | Documentation  Interviews |

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| **CRITERION**  **NUMBER** | RECORD KEEPING | **Source of Information** |
| CCR 24 | **Curriculum review**  The collaborative ensures that individual teachers in the collaborative review all educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, gender identity, religion, national origin or sexual orientation. Appropriate activities, discussions and/or supplementary materials are used to provide balance and context for any such stereotypes depicted in such materials.  **State Requirements**  M.G. M.G.L. c. 76, § 5 and 603 CMR 26.05(2),  as amended by Chapter 199 of the Acts of 2011. | Documentation  Interviews |

**APPROVED PUBLIC DAY PROGRAM (APD) REVIEW CRITERIA**

**2020- 2021**

**AREA 3: ADMINISTRATION- MANUALS AND HANDBOOKS**

| **CRITERION NUMBER** | **REQUIREMENTS** | **Source of Information** |
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| APD 3.1  (RESERVED) | Policies & Procedures Manual  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.  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:   * 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). | Documentation  Observation  **NOTE:** The policies and procedures manual must be kept onsite and be visible in the reception area or other commonly visited area in the program. The policies and procedures manual must be plainly marked. |
| APD 3.2 (RESERVED) | **Health Care Manual**  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.  The manual is readily available to all staff and includes the following:   * 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).   **NOTE:** Approved Day Schools must follow the Department of Public Health regulations. | Documentation  Observation  **NOTE**: The health care manual must be kept accessible to all staff in administrative offices and the school health center, infirmary or nurse’s office. |

**AREA 4: DISCLOSURE OF INFORMATION**

| **CRITERION NUMBER** | **REQUIREMENTS** | **Source of Information** |
| --- | --- | --- |
| APD 4.2 | **Public Information and Postings**  The following information must be publicly posted:   1. First aid procedures; 2. Emergency procedures; and 3. Emergency telephone numbers.   State Requirements  603 CMR 28.09(6)(a-e) and 28.09(2)(b)(4) | Observations |
| APD 4.5 | **Immediate Notification**  Pursuant to applicable regulations and agency policy this school is hereby providing immediate electronic notification to ESE for ANY student enrolled in its program (Massachusetts Student, Out-of-State Student or Privately Funded Student) concerning incidents that occur during school hours.   1. The death of any student (Immediate verbal and written notification to the student’s parents/guardians and school district); 2. The filing of a 51-A report with Department of Children and Families (DCF) OR a complaint filed with the Disabled Persons Protection Commission (DPPC), against the school or a school staff member, for alleged abuse or neglect of any student; 3. Any action taken by a federal, state, or local agency that might jeopardize the school’s approval with ESE (i.e. federal or state investigation; closure of intake); 4. 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; 5. The hospitalization of a 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; 6. A student run from the program; and 7. Any other incident of a serious nature that occurs to a student or staff in the program. (Some examples include: any police involvement, any media involvement, weapons, fire setting, alcohol or drug possession or use while in the program). 8. The emergency termination of a student pursuant to 28.09(12)(b).   State Requirements  603 CMR 18.03(10); 603 CMR 18.05(7); 603 CMR 28.09(12) (a, b) | Documentation  Student Records  Interviews |

**AREA 5: ADMINISTRATION AND ADMISSION PROCEDURES**

| **CRITERION NUMBER** | **REQUIREMENTS** | **Source of Information** |
| --- | --- | --- |
| APD 5.2  (RESERVED) | **Policies and Procedures for Coordination/Collaboration with Public School Districts & Contents for Coordination/Collaboration with Public School Districts**  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:   1. Consideration of possible placement and admissions process; 2. IEP development and implementation and roles in 3-year eligibility re-determinations; 3. Contents of and general arrangements for executing contracts with placing school districts; 4. Participation of the program as well as school district representatives at the Team and other key meetings, including reviewing/revising the IEP; 5. Written progress reports; 6. Documentation regarding student-related developments, including matters involving students’ behavioral plans, functional behavioral assessments, manifestation determinations, imposition of discipline, etc. 7. Administration of tests; 8. Preparations for students returning to a public school or other less restrictive setting; 9. 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; 10. Monitoring of student progress; 11. Conditions for issuance of certificates of attendance or program completion by the educational collaborative.   **State Requirements Federal Requirements**  28.06(2-3) 300.349and 300.400-.401  28.09(9)(c)&(d)  28.09(2)(b)7 | Documentation  Interviews |
| APD 5.2(a)  (RESERVED) | **Contracts**  There shall be a written contract for each enrolled student consistent with the requirements of 603 CMR 28.06(3) (f).  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:   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: *Student Records* 3. The out-of-district placementshall 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.   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. | Documentation  Student Records |

**AREA 6: EDUCATIONAL PROGRAM REQUIREMENTS - STUDENT LEARNING TIME**

| **CRITERION NUMBER** | **REQUIREMENTS** | **Source of Information** |
| --- | --- | --- |
| APD 6.1  (RESERVED) | **Daily Instructional Hours**  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:   * Elementary – A total of:   10 month program – 900 hours  11 month program – 990 hours  12 month program – 1080 hours   * Secondary – A total of:   10 month program – 990 hours  11 month program –1089 hours  12 month program – 1188 hours  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.  **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.  **State Requirements**  603 CMR 27.04 | Documentation  Interviews |

**AREA 8: EDUCATIONAL PROGRAM REQUIREMENTS - INDIVIDUALIZED EDUCATION PROGRAMS**

| **CRITERION NUMBER** | **REQUIREMENTS** | **Source of Information** |
| --- | --- | --- |
| APD 8.5  (RESERVED) | **Current IEP & Student Roster**  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). | Documentation  Student Records  Interviews |
| APD 8.8  (RESERVED) | IEP Progress Reports  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, including documentation of persons or agencies receiving such reports. | Student Records  Interviews |

**AREA 9: EDUCATIONAL PROGRAM REQUIREMENTS - STUDENT DISCIPLINE AND BEHAVIOR SUPPORT**

| **CRITERION NUMBER** | **REQUIREMENTS** | **Source of Information** |
| --- | --- | --- |
| APD 9.1  (RESERVED) | **Policies and Procedure for Behavior Support**  The program develops and implements a comprehensive set of policies and procedures dealing with discipline and behavior support that meet all federal and state special education requirements.  The policy must include a description of the behavior management procedures used in the facility including the following if applicable:   * + 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 controls on abuse of such restraints (see 603 CMR 46.00); and   + Any denial or restrictions of on-grounds program services.   State Requirements  603 CMR 18.03(7)(b)(2) and 18.05(5, 6, 7); 603 CMR 28.09(11); 603 CMR 46.00 | Student Records  Documentation  Interviews |
| APD 9.1(a) | **Student Separation Resulting from Behavior Support**  If the program’s behavior support 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:   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. 6. Time out rooms shall not be locked. 7. Any room or space used for the practice of separation must be physically safe and appropriate to the population served by the facility.   **State Requirements**  603 CMR 18.05(5)(i), 18.05(6, 7), and 603 CMR 46.02(5)(b) | Documentation  Student Records  Parent Survey  Interviews  Observation |
| APD 9.4  (RESERVED) | **Physical Restraint**  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.  The policy and procedures must include the following:   * 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,   **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. | Documentation  Student Records  Parent Survey  Interviews  Observation |
| APD 9.6  (RESERVED) | **10+ Day Suspensions**  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.   * 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: * 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 NOT 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 IS a manifestation of the disability, the TEAM, takes steps to modify the IEP, the behavior intervention plan, and/or the placement.   **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. | Student Records  Interviews  Documentation |

**AREA 12: EDUCATIONAL STAFFING REQUIREMENTS – STAFF TRAINING**

| **CRITERION NUMBER** | **REQUIREMENTS** | **Source of Information** |
| --- | --- | --- |
| APD 11.12  (RESERVED) | **Equal Access**  The program provides all students with equal access to services, facilities, activities and benefits regardless of race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness.   1. The program provides equal opportunity for all students to participate in intramural and interscholastic sports; and 2. Extracurricular activities or clubs sponsored by the program do not exclude students on the basis of race, color, national origin, sex, gender identity, disability, religion, limited English speaking ability, sexual orientation or homelessness.   **State Requirements Federal Requirements**  Mass. Const. amend. Art. 114; Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a),  c. 76, § 5; 603 CMR 26.00 (b); Title IX: 20 U.S.C. 1681; 34 CFR 106;  M.G.L. as amended by Chapter 199 Section 504: 29 U.S.C. 794; 34 CFR 104;  of the Acts of 2011. Title II: 42 U.S.C. 12132; 28 CFR 35.130;  NCLB: Title X, Part C, § 721. | Documentation  Parent Survey  Interviews |
| APD 12.2 | **In-Service Training Plan and Calendar**  All staff, including new employees, interns and volunteers, must participate in annual in-service training on average at least two hours per month.  The following topics are required in-service training topics and must be provided annually to all staff:   1. Reporting abuse and neglect of students to the Department of Children and Families and/or the Disabled Persons Protection Commission; 2. Disciplinary and Behavior Support 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, safeguards for students’ emotional, physical and psychological well-being; and procedures for obtaining and recording data regarding student discipline and behavior and integrating it into IEP Team discussions; 3. Runaway policy; 4. Emergency procedures including Evacuation Drills and Emergency Drills; and 5. Civil rights responsibilities (discrimination and harassment).   The following additional topics are required in-service training topics and must be provided annually to all teaching staff:   * 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.   The following additional topics are required in-service training topics and must be provided annually to appropriate staff based on their job responsibilities:   * 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; training shall include 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); * 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).   **State Requirements Federal Requirements**  603 CMR 28.09(7)(f), 28.09(9)(b) Title VI: 42 U.S.C. 2000d;  and 28.09(10); 603 CMR 18.03(3), 34 CFR 100.3; EEOA: 20 U.S.C. 1703(f);  18.05(9)(e)(1), 18.05(9)(f)(3)(c), Title IX: 20 U.S.C. 1681;  18.05(10) and 18.05(11)(h); 34 CFR 106.31-106.42.  M.G.L. c. 76, § 5 and 603 CMR 26.07(2) and (3). | Documentation  Interviews |
| APD 12.2(a)  (RESERVED) | **Required Training - Behavior Support and Restraint Training**  Training on behavior management and suspension and termination procedures includes:   * 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   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.  **State Requirements**  603 CMR 18.05(5, 6, 7) | Documentation  Interviews |
| APD 12.2(d) | **Required Training - Medication Training**  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.  **State Requirements**  603 CMR 18.05(9)(f)(3)(c) | Interviews |

**AREA 13: PHYSICAL FACILITY AND EQUIPMENT REQUIREMENTS**

| **CRITERION NUMBER** | **REQUIREMENTS** | **Source of Information** |
| --- | --- | --- |
| APD 13.4  (RESERVED) | **Physical Facility/ Architectural Barriers**  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.  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.  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.  **State Requirements Federal Requirements**  603 CMR 18.04(8); Section 504; 29 U.S.C. 794; 34 CFR Mass. Const. amend. art. 114. 104.21,104.22; Title II: 42 U.S.C.  12132; 28 CFR 35.149, 35.150. | Documentation  Observation  Interviews |

**AREA 15: PARENT AND STUDENT INVOLVEMENT**

| **CRITERION NUMBER** | **REQUIREMENTS** | **Source of Information** |
| --- | --- | --- |
| APD 15.5 | **Parent Consent and Required Notification**  The program shall develop and implement policy and procedures to work with school districts to obtain the following consents:  1. Annual:   * Emergency medical treatment * Medication Administration (when applicable)   2. When applicable:   * Research * Experimentation * Fundraising * Publicity * Observation   3. 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.  State Requirements  603 CMR 18.05(5)(c), 18.05(8), 18.05(9)(f)(1) and 18.05 (9)(j); M.G.L. c. 71, § 32A. | Documentation  Student Records  Interviews |

**AREA 16: HEALTH AND MEDICAL SERVICES**

| **CRITERION NUMBER** | **REQUIREMENTS** | **Source of Information** |
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| APD 16.3 | **Nursing**  The program shall have a registered school nurse available depending upon the health care needs of the program’s population.  **NOTE:**  School Nurse means a nurse practicing in a school setting, who is:  (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.  State Requirements  603 CMR 18.05(9)(b); M.G.L c. 112; M.G.L. c. 71, §§ 53,53A,and 53B | Documentation  Interviews |

**AREA 18: STUDENT RECORDS**

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| --- | --- | --- |
| **CRITERION NUMBER** | **REQUIREMENTS** | **SOURCE OF INFORMATION** |
| APD 18.1  (RESERVED) | **Confidentiality of Student Records**  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.   * 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:   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.  **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  **State Requirements**  28.09(5)(a); 28.09(10); 23.07(1); M.G.L. c. 71, § 34H | Student Records  Interviews |