***Massachusetts Department of***

***Elementary and Secondary Education***

*75 Pleasant Street, Malden, Massachusetts 02148-4906**Telephone: (781) 338-3700*

 *TTY: N.E.T. Relay 1-800-439-2370*

January 23, 2018

Mr. William Sprague

President & CEO

Bay Cove Human Services

66 Canal Street

Boston, MA 02114

Re: Mid-cycle Review and Verification of previous Program Review Corrective Action Plan

 A - Bay Cove Academy Day Program

Dear Mr. Sprague:

Enclosed is the Department of Elementary and Secondary Education’s (“Department”) Mid-cycle Review Report based upon the Mid-cycle Review conducted in your private school program in October 2017. This Mid-cycle Review Report contains the Department's findings regarding the implementation status and effectiveness of corrective steps taken in response to your previous Program Review Report issued on June 23, 2015. This report also includes a report on the status of implementation for new state or federal special education requirements enacted since your program’s last Program Review. Because the Department determined all requirements were found to be either fully implemented or commendable during the 2015 Program Review, this Mid-cycle Review Report includes a report on the status of selected Mid-cycle Review criteria as well as the implementation of new state or federal special education requirements enacted since your program’s last Program Review.

While the Department found certain noncompliance issues to be resolved, others were partially corrected or new issues were identified by the Department’s onsite team. Therefore, the Department is issuing a “Provisional Approval” status effective from the date of this letter and indicated on your approval certificate. Your “Provisional Approval” will expire on

**April 13, 2018**. The reasons for the “Provisional Approval” are clearly indicated on the attached Mid-cycle Review Report.

As the Department previously informed you, in cases where a program fails to fully and effectively implement a Corrective Action Plan which was proposed by your program and approved by the Department, the Department must then prepare a Corrective Action Plan for the program which must be implemented without further delay. You will find these requirements for corrective action and further progress reporting included in the attached report, together with any steps that must be taken by the program to fully implement new special education requirements. Please provide the Department with your written assurance that the Department's requirements for corrective action will be implemented by your program within the timelines specified.
The Department will notify you of your program’s next regularly scheduled Program Review several months before it is to occur. At this time we anticipate the next routine monitoring visit to occur sometime during the 2020-2021 school year, unless the Department determines that there is some reason to schedule this visit earlier.

**Please be advised that the attached Department Approval Certificate must be conspicuously posted in a public place within the program as required by 603 CMR 28.09.**

Your staff's cooperation throughout these follow-up monitoring activities is appreciated. Should you require additional clarification of information included in our report, please do not hesitate to contact the Onsite Team Chairperson.

Sincerely,

Michelle Hennessy-Kowalchek, Mid-cycle Review Chairperson

Office of Approved Special Education Schools

Nina M. Marchese, M.Ed., Director

Office of Approved Special Education Schools

c: Jeff Wulfson, Acting Commissioner of Elementary and Secondary Education

Encl.: Mid-cycle Review Report

Provisional Approval Certificate, Expiration Date: **April 13, 2018**

 Bay Cove Academy Day Program

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|  | ESE Logo | **MID-CYCLE REVIEW REPORT****Bay Cove Human Services****MCR Onsite Dates:** **10/05/2017 - 10/06/2017****Programs under review for the agency:****A - Bay Cove Academy Day Program**  |
|   |  | Jeff WulfsonActing Commissioner of Elementary and Secondary Education |
| **MID-CYCLE REVIEW REPORT** |

| **PS Criterion #2.2 - Approvals, Licenses, Certificates of Inspection** |
| --- |
| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| A review of documentation indicated that there were current approvals, licenses and certificates of inspection for all buildings used by the students. |

| **PS Criterion #2.3 - EEC Licensure (Residential Programs Only)** |
| --- |
| **Rating:** |
| Not Applicable |
| **Basis for Findings:** |
| This standard is not applicable to day programs. |

| **PS Criterion #4.5 - Immediate Notification** |
| --- |
| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| A review of documentation indicated that the Immediate Notification Policy and Procedures regarding serious incidents meet current requirements and included notification to appropriate parties of such incidents, as well as identification of the person responsible for oversight. A review of student records showed that the program maintains copies of all incident reports regarding students. |

| **PS Criterion #6.1 - Daily Instructional Hours/6.4 School Days Per Year** |
| --- |
| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| A review of documentation indicated that all students were scheduled to receive the required number of instructional hours for the appropriate number of school days per year. Documentation indicated that the program had a school year schedule that contained the number of school days per year ESE approved the program to operate and included at least five additional school days to account for unforeseen circumstances. |

| **PS Criterion #8.5 - Current IEP & Student Roster** |
| --- |
| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| A review of documentation and student records indicated that there was a current IEP issued by the responsible public school district and consented to by the student's parent/guardian or student, when applicable, for each enrolled Massachusetts student, and that the program maintained documentation of efforts to obtain a current IEP from the responsible school district for students whose IEPs were not current. |

| **PS Criterion #9.1 - Policies and Procedure for Behavior Support** |
| --- |
| **Rating:** |
| Implementation In Progress |
| **Basis for Findings:** |
| A review of documentation indicated that while the program's written Behavior Support policies and procedures are now in compliance with the revised regulations that went into effect on January 1, 2016, staff need to be trained on the updated policies and procedures. |
| **Department Order of Corrective Action:** |
| Bay Cove Academy must train all staff on the approved policy and procedures on Behavior Support as most recently approved by ESE. |
| **Required Elements of Progress Reports:** |
| Specific to training of all staff on the most recently approved policies and procedures on Behavior Support, Bay Cove Academy must submit: 1) the name and job title of the person conducting the training; 2) the dates and times when this training was offered; 3) the length of time allotted for the training; 4) a list of all staff in alphabetical order by last name with their position title; 5) the date and time each staff received this training; and 6) for any staff who did not receive the training, the reason why and when their training is scheduled. |
| **Progress Report Due Date(s):** |
| 03/01/2018 |  |  |  |

| **PS Criterion #9.1(a) - Student Separation Resulting from Behavior Support** |
| --- |
| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| A review of documentation and staff interviews indicated that the policies and procedures regarding Student Separation Resulting from Behavior Support included requirements that a student be continuously observed by a staff member at all times, that staff shall be with the student or immediately available to the student at all times, that principal approval be obtained for a time-out lasting more than 30 minutes based upon the student's continuing agitation, and that time out shall cease as soon as the student has calmed. |

| **PS Criterion #9.4 - Physical Restraint** |
| --- |
| **Rating:** |
| Implementation In Progress |
| **Basis for Findings:** |
| A review of documentation indicated the program's written Physical Restraint policy and procedures do not include all required elements of the revised state regulations under 603 CMR 46.00. |
| **Department Order of Corrective Action:** |
| Bay Cove Academy Day Program must submit written Physical Restraint policy and procedures that include all required elements of this criterion. Following approval by the Office of Approved Special Education Schools, the program must train all staff on the revised policies and procedures. |
| **Required Elements of Progress Reports:** |
| The program must submit written physical restraint policy |
| **Progress Report Due Date(s):** |
| 03/01/2018 | 04/13/2018 |  |  |

| **PS Criterion #11.3 - Educational Administrator Qualifications** |
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| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| A review of documentation indicated that the Educational Administrator possessed the required qualifications to serve in this position. |

| **PS Criterion #11.4 - Teachers (Special Education Teachers and General Education Teachers)** |
| --- |
| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| A review of documentation indicated that, at the time of the Mid-cycle Review, all the teaching staff were appropriately licensed or had been granted an appropriate waiver for the 2017-2018 school year. |

| **PS Criterion #11.5 - Related Services Staff** |
| --- |
| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| A review of documentation submitted with the self-assessment indicated that the staff providing or supervising the provision of related services during the 2016-17 school year were appropriately certified, licensed or registered in their professional areas. |

| **PS Criterion #11.6 - Master Staff Roster** |
| --- |
| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| A review of documentation indicated that the Master Staff Roster contained the name, program job title, corresponding Uniform Financial Report (UFR) title number and full-time equivalent (FTE) for all staff. The Master Staff Roster also accurately corresponded to the last approved ESE staffing plan. |