



## **CHICOPEE PUBLIC SCHOOLS**

### **COORDINATED PROGRAM REVIEW REPORT OF FINDINGS**

**Dates of Onsite Visit: April 8-12, 2002**  
**Date of Draft Report: August 22, 2002**  
**Due Date for Comments: September 10, 2002**  
**Date of Final Report: October 1, 2002**  
**Action Plan Due: November 15, 2002**

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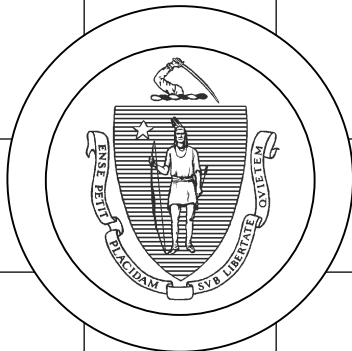
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**MASSACHUSETTS DEPARTMENT OF EDUCATION  
COORDINATED PROGRAM REVIEW  
CHICOPEE PUBLIC SCHOOLS**

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# MASSACHUSETTS DEPARTMENT OF EDUCATION

## COORDINATED PROGRAM REVIEW REPORT

### CHICOPEE PUBLIC SCHOOLS

#### OVERVIEW OF REVIEW PROCEDURES

As one part of its school and school district accountability system, the Department of Education oversees local compliance with education requirements through the Coordinated Program Review system. All reviews include selected requirements in special education under the federal Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 *et seq.* (IDEA-97) and M.G.L. Chapter 71B (Chapter 766 of the Acts of 1972) and certain federal civil rights requirements under Titles I and II of the Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, together with related state requirements under M.G.L. Chapter 76, Section 5 (Chapter 622 of the Acts of 1971). Additionally, all reviews include certain standards included under the newly adopted Board of Education Physical Restraint Regulations (603 CMR 46.00). Other monitoring activities in the areas of the state's Transitional Bilingual Education law (M.G.L. Chapter 71A), federal requirements under Title I, the Safe and Drug-Free Schools and Communities Act, the Perkins Vocational and Technical Education Act, and Nutrition Programs and Services will be conducted in some districts during these Coordinated Program Reviews. The school districts and charter schools selected for review in 2001-2002 were notified by the Commissioner of Education in April 2001 of the scheduled visits and were encouraged to assess themselves before the arrival of the Department's visiting team.

#### Coordinated Program Review Elements

- Team: Depending upon the size of a school district and the number of program areas to be reviewed, a team of two to eight members conducts a Coordinated Program Review over two to seven days in a school district or charter school. The team may include Department consultants as well as Department staff members.
- Scope: Approximately sixty school districts and charter schools are scheduled to receive visits in school year 2001-2002. All school districts and charter schools in the Commonwealth are monitored through the Department's Coordinated Program Review system on a six-year cycle with an additional mid-cycle special education follow-up visit.
- Content: The Program Review criteria include certain of the statutory and regulatory requirements for each program area. In the case of special education, the criteria for the FY 2002 reviews contain, at a minimum, those elements required by the federal Office for Special Education Programs (OSEP) and revised requirements under IDEA-97 as described in the Department's Special Education Advisories. Additionally, the 2001-2002 reviews incorporate updated state special education requirements as adopted by the Board of Education, effective December 20, 2000. The Program Review compliance criteria selected in all of the regulated program areas are those that are most closely aligned with the goals of the Massachusetts Education Reform Act of 1993, being intended to promote high standards and achievement for all students.
- Report: The Department's report is based on a review of documentation regarding the operation of the district's programs, together with information gathered through the following Department program review methods:

- Interviews of administrative, instructional and support staff across all grade levels.
- Interviews of parent advisory council (PAC) representatives.
- Other interviews as requested by members of the general public.
- Review of student records in the special education, Transitional Bilingual Education, and Perkins vocational programs. Parents of students with disabilities whose files were selected for the record review are sent a survey that solicits information about their experiences with the district's implementation of special education programs, related services and procedural requirements.
- Observation of classrooms and other facilities. A sample of instructional classrooms and other school facilities used in the delivery of programs and services are visited to determine general levels of compliance with program and accessibility requirements.
- Interviews, review of student records, and observations in the case of collaborative programs and services. Where the district is a member of a collaborative approved by the Department of Education and serves as a site for any programs or services operated by the collaborative, interviews with collaborative staff, review of records of collaborative students, and observations of collaborative facilities are conducted.

Response: An executive summary and detailed findings for each program area describe determinations about the implementation status of each requirement (criterion) reviewed. The findings note those criteria the implementation of which the team found to be commendable. Where criteria were found not to be fully implemented the local district or charter school must propose corrective actions to bring those areas into compliance with the controlling statutes or regulations. Districts are encouraged to incorporate the corrective action into their district and school improvement plans, including their professional development plan.

The Department of Education believes that the Coordinated Program Review process is a positive experience and that the Final Report should be seen as a helpful planning document for the continuing development of programs and services in the school district or charter school.

## REPORT INTRODUCTION

A 10-member Massachusetts Department of Education team visited Chicopee Public Schools during the week of April 8, 2002, to evaluate the implementation of selected criteria in the program areas of Special Education, Methods of Administration/Civil Rights, Title I, Transitional Bilingual Education, Nutrition. The team appreciated the opportunity to interview staff and parents, to observe classroom facilities and to review the programs underway in the district.

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

- Interviews of 26 administrative staff.
- Interviews of 195 teaching and support services staff across all levels.
- Interviews of eight parent advisory council (PAC) representatives.
- Student record reviews: the Department selected a sample of 100 student records. Student records were first examined by local staff, whose findings were then verified by the onsite team using standard Department of Education student record review procedures to make determinations regarding the implementation of procedural and programmatic requirements.
- Parent surveys: 75 parents of students with disabilities were sent surveys that solicited information regarding their experiences with the district's implementation of special education programs, related services and procedural requirements. 12 of these parent surveys were returned to the Department of Education for review by the onsite team.
- Observation of classrooms and other facilities. A sample of 68 instructional classrooms and other school facilities used in the delivery of programs and services was visited to determine general levels of compliance with program requirements.

The report includes findings in the program areas reviewed organized under nine components . These components are listed in the executive summary on the following pages. The findings in each program area explain the "ratings, "determinations by the team about the implementation status of the criteria reviewed. The ratings indicate those criteria that were found by the team to be substantially "Implemented" or implemented in a "Commendable" manner. (Refer to the "Definition of Terms" section of the report.) Where criteria were found to be either "Partially Implemented" or "Not Implemented," the district or charter school must propose to the Department corrective actions to bring those areas into compliance with the controlling statute or regulation. In some instances the team may have rated a requirement as "Implemented" but made a specific comment on the district's implementation methods that also may require response from the district or charter school.

Districts are expected to incorporate the corrective action into their district and school improvement plans, including their professional development plan.

# COORDINATED PROGRAM REVIEW REPORT

## EXECUTIVE SUMMARY

### CHICOPEE PUBLIC SCHOOLS

The following summary synthesizes the findings for criteria included in the Coordinated Program Review as they respond to essential questions that the Department has formulated for each of the components of the report. Note that a more detailed discussion of the onsite team's findings, together with the specific legal standards for each program area included in this review, follows this summary.

#### **General findings and observations:**

The Chicopee Public Schools is one of the largest school districts in western Massachusetts with approximately 8,000 students and 16 public school buildings. The on-site team was able to visit and interview staff in all 16 schools within Chicopee and review student records from each of the above mentioned schools. Through on-site activities, the team found that Chicopee Public Schools utilizes school-based management as its means of making decisions regarding the education of Chicopee's students and the day-to-day operation of the Chicopee Public Schools. Based on interviews, the review team determined that school based management has evolved due to the Commonwealth's Education Reform Act, the district's response to alleged mismanagement by central administrative staff and a general sense that the selection of curricular materials, the provision of Special Education and Transitional Bilingual Education are most effective when decisions regarding the above are made at the school level. While there are mandates from central administrative staff, including the use of inclusionary Special Education programming and the decision to provide English language support instead of Transitional Bilingual Education, the lack of oversight and/or the refusal of schools to have their programs monitored by the district's central administrative staff has created schools that are not providing a Free and Appropriate Public Education (FAPE) for their disabled students and violates the letter and spirit of Massachusetts' Transitional Bilingual Education law. This report will go into extensive detail regarding the Department's findings that Chicopee is not implementing effective practices to ensure compliance with state and federal requirements in Special Education, Transitional Bilingual Education (TBE), Title I services, Nutrition Services and Civil Rights/Methods of Administration practices. The on-site team, therefore, believes the following restructuring must be seriously considered by the new leadership of the district:

1) Special Education Services need to be centralized. There were very significant violations of Special Education Law due to the lack of centralization and oversight within Chicopee's 16 schools. In each of the nine components below, decentralization has contributed procedural violations and the denial of FAPE to students. Examples of these violations are extensive and include: Chicopee's inability to accurately count and document the number of Special Education students served in the district, the inability to meet federal and state procedural timelines, the misuse of school district staff and an inclusionary special education system that does not ensure FAPE for each student. Based on current practices, the Department's on-site team will be very wary of approving any Corrective Action Plan that lacks a restructuring of special education.

2) Chicopee must implement the Commonwealth's TBE law. Throughout the program review process, District employees wanted to engage the on-site team in a philosophical discussion regarding the inadequacy of the TBE law. While this debate is a healthy one and is being conducted by our legislators and by ballot referendum this November, both the Department and Chicopee have an obligation to uphold the law in its current form. Unlike the Commonwealth's law and Chicopee's School Committee Policy

which mandates TBE to be implemented, the Chicopee Public Schools rarely provides instruction in a student's native language, and there are not enough TBE or English as a Second Language teachers to meet the demand of the English Language Learners in the district. (Note: The Department acknowledges the recent changes in this state's TBE law that were enacted in August 2002. Department staff will work with the district to ensure that the TBE findings of noncompliance included in this report are responded to in accordance with these new requirements of the Massachusetts legislature.)

A request was posed several times to the on-site team to identify specific schools, administrators or staff members who were problematic. On occasion, this report will identify specific concerns with individual schools, but this report is written to examine the overall adequacy and effectiveness of the Chicopee Public Schools in its totality. Because the Department of Education has clearly documented in this report that school-based management in its current form is part of the problem, the Department is requiring that the Chicopee Public Schools examine the findings in this report and make strategic decisions on how to modify the administration of its schools to meet all state and federal education requirements included in this Coordinated Program Review Report.

### **Component I: Assessment of Student Progress**

*Has the district implemented an assessment system that uses appropriate instruments, is conducted according to the specified timelines, and covers the appropriate content areas to determine instructional needs of students?*

Chicopee will have to reconsider how it assesses student progress. One hundred percent of the special education criteria in Component I are either partially or not implemented. There are countless procedural violations that impact a student's ability to be appropriately assessed in a timely manner. Further, none of the three TBE criteria are implemented—which is consistent with Chicopee's refusal to create a TBE program. Chicopee's strongest program in this component is its Title I program.

### **Component II: Student Identification and Program Placement**

*Has the district followed procedures for student identification and placement into the program according to the criteria specified in regulations?*

As a result of the numerous procedural issues in Component I above, component II is also problematic. A lack of district-wide practice in combination with Special Education procedural violations creates Special Education services that are not specially designed for eligible students, but instead gives the appearance of what is most feasible given a limited number of special educators assigned to each school. Compliance criteria for TBE in the component are also problematic, as the district was unable to document a unified or legally appropriate means of delivering services for Limited English Proficient students.

### **Component III: Parental Involvement**

*Has the district ensured that parents are notified in the appropriate language and are involved in decisions regarding their children's programs and services? Where appropriate, does the district involve community representatives in shaping programs?*

In all program areas reviewed, Chicopee needs to increase its outreach to parents. Some of the problems in this component include a lack of documentation justifying program decisions for individual students, non-existent Parent Advisory Councils and a lack of parental participation in the development of programs. While individual schools do inform their students and parents of upcoming activities, this information is usually not available to



Limited English Proficient families.

#### **Component IV: Curriculum and Instruction**

*Does the district hold all students to high expectations and standards? Are programs designed to maximize student performance and students' participation in the general curriculum? Is curriculum throughout the districts' programs aligned with the Massachusetts Curriculum Frameworks? Has the district provided for coordination across program areas?*

Many of the findings of noncompliance in this component derive from Chicopee's decentralized system of administration. Many curriculum decisions are made at the school level and are neither aligned with other schools in Chicopee nor provide oversight to ensure that the practices are appropriate. The lack of cohesion among schools creates a system where resources are fought over rather than shared.

#### **Component V: Student Support Services**

*Has the district ensured that all students have equal access to programs and services? Does the district provide support to students who need it?*

The on-site team found that many of the criteria in this component are not implemented. This is the result of having outdated policies, inconsistent practices between schools, and a lack of knowledge regarding the legal requirements of the criteria included under this component. Examples include procedural flaws in disciplining students with special needs, no grievance policies based on race or disability, and not translating appropriate policies into all of the languages of students and parents represented in the community.

#### **Component VI: Faculty, Staff and Administration**

*Does the district maintain certified staff in the specific program areas, provide supervision of aides and tutors, and provide ongoing professional development? Are program leadership and oversight effective? Are the district's personnel procedures non-discriminatory and does it seek to recruit employees from all groups?*

The on-site team found several criteria in this component that need to be examined. While Chicopee employs certified special education teachers and has a commendable training program for its Title I aides, the inability of the Special Education Director to oversee special education programs in the district creates numerous problems in complying with requirements included in this component—including an effective staff development program in the area of special education. Other issues that need to be examined are the methods by which Chicopee recruits minority candidates for employment, Chicopee's District Curriculum Accommodation Plan (DCAP) policy, the use of uncertified teachers to provide bilingual education and the provision of professional development opportunities for teachers interested in Limited English Proficiency issues.

#### **Component VII: School Facilities**

*Does the district maintain accessible facilities that are conducive to learning, facilitate integration, and provide equal opportunity for students to achieve?*

The on-site team's major concern under this component is the inaccessibility of Chicopee's school administration building and the Horizon Academy, Chicopee's alternative school.

#### **Component VIII: Program Plan and Evaluation**

*Does the District have written program plans where required that are evaluated according to specific regulatory requirements? Does it use the results of its evaluations to improve programs? Do parents have opportunities for input on needs, program implementation, evaluation, and improvement?*

At this point in time, Chicopee does not evaluate the effectiveness of its special education programs. As Chicopee examines what is effective practice and what needs to be reexamined, Chicopee is going to have to rely more on internal and external data so it can justify its changes to both the Department and others who are stakeholders in ensuring Chicopee's success.

**Component IX: Record keeping**

*Does the District maintain required records and documentation for each specific program area? Are federal entitlement grants appropriately designed, amended, and monitored?*

While most of the criteria under this component are implemented, Chicopee needs to correct the system by which it accounts for the number of students who are receiving Special Education services. With regard to TBE, as Chicopee brings its TBE program into compliance with the law, the on-site team also expects Chicopee to improve the quality and completeness of its TBE student records.

**DEFINITION OF TERMS**  
**FOR THE RATING OF EACH COMPLIANCE CRITERION**

<b>Commendable</b>	Any requirement or aspect of a requirement implemented in an exemplary manner significantly beyond the requirements of law or regulation.
<b>Implemented</b>	The requirement is substantially met.
<b>Implementation in Progress</b>	In reference to compliance criterion MOA 17A, new Board of Education requirements became effective on April 2, 2001 regarding the use of physical restraint in publicly funded education programs. The district is currently engaged in staff training and is beginning implementation practices for these new requirements which the Department's onsite team anticipates will result in substantial compliance by the end of the 2001-2002 school year.
<b>Partially Implemented</b>	The requirement, in one or several important aspects, is not entirely met.
<b>Not Implemented</b>	The requirement is totally or substantially not met.
<b>Not Applicable</b>	The requirement does not apply to the school district or charter school.

## COMPONENT I: ASSESSMENT OF STUDENT PROGRESS

The criteria in this component examine whether the District has implemented an assessment system that uses appropriate instruments, conducted according to the specified timelines and covering the appropriate content areas to determine instructional needs of students for the program areas listed below:

- Special Education (Report Issues # SE 1- SE 14)
  - Title I (Report Issues # TI 1-4)
- Transitional Bilingual Education (Report Issues # 1-2A)

<b>CRITERION NUMBER</b>	<b>SPECIAL EDUCATION I. ASSESSMENT OF STUDENT PROGRESS</b>
	<b>Legal Standard</b>
<b>SE 1</b>	<p><b>Assessments are appropriately selected and interpreted for students referred for evaluation</b></p> <ol style="list-style-type: none"> <li>1. Tests and other evaluation materials are:               <ol style="list-style-type: none"> <li>a. validated</li> <li>b. administered and interpreted by trained individuals</li> <li>c. tailored to assess specific areas of educational need</li> <li>d. selected and administered to reflect aptitude and achievement levels</li> <li>e. as free as possible from cultural and linguistic bias</li> <li>f. provided in the student's native language or other mode of communication where feasible</li> <li>g. not the sole criterion for determining an appropriate educational program</li> <li>h. not only those designed to provide a single general intelligence quotient</li> <li>i. are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or the other factors the test purports to measure</li> <li>j. technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors</li> </ol> </li> <li>2. In interpreting evaluation data and making decisions, the district:               <ol style="list-style-type: none"> <li>a. uses information from a variety of sources to gather relevant functional and developmental information, including information provided by the parent</li> <li>b. ensures that information obtained from these sources is considered</li> <li>c. ensures that the placement decision conforms with placement in the least restrictive environment</li> <li>d. includes information related to enabling the student to be involved in and progress in the general curriculum</li> </ol> </li> </ol> <p><b>State Regulations</b> 28.04</p> <p style="text-align: right;"><b>Federal Requirements</b> 300.532, 300.535</p>
	<p><b>Rating: Partially Implemented</b>                      <b>District Response Required: Yes</b></p>

**Department of Education Findings:** *Through a review of records, the on-site team found that appropriate assessments are not utilized when identifying a student's disability and his or her eligibility status. Chicopee overly relies on the WISC and the Woodcock Johnson. The on-site team found that these evaluations are used and reused even when a student is not suspected of having a learning disability. The on-site team also found that instruments are not consistently provided in the student's native language. Through interviews the on-site team found that students are assessed with*

*the use of translators. The Department notes for the district that unless specifically normed to do so, most assessments will not be reliable and/or valid when the assessor uses a translator.*

*The interpretation of evaluation data is problematic as well. The on-site team found records where evaluation interpretations did not provide enough information to allow a team to make accurate recommendations for a student. This was most apparent in Chicopee’s identification of students with emotional disabilities. The on-site team believes that a contributing factor to this is that school psychologists are building based, and their individual areas of expertise are not shared throughout the district.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 2</b>	<p><b>Required and optional assessments</b></p> <ol style="list-style-type: none"> <li>1. <b>Required assessments:</b> The following assessments are completed by appropriately credentialed and trained specialists for each referred student:               <ol style="list-style-type: none"> <li>a. Assessment(s) in all areas related to the suspected disability (ies) including consideration of any needed assistive technology devices and services and/or instruction in braille.</li> <li>b. Educational assessment by a representative of the school district, including a history of the student’s educational progress in the general curriculum.</li> <li>c. Assessment by a teacher(s) with current knowledge regarding the student’s specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the district curriculum, as well as an assessment of the student’s attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults.</li> <li>d. For a child being assessed to determine eligibility for services at age three (3), an observation of the child’s interactions in the child’s natural environment or early intervention program is strongly encouraged together with the use of current assessments from early intervention Teams to avoid duplicate testing.</li> </ol> </li> <li>2. <b>Optional assessments:</b> The Administrator of Special Education may recommend or the parent may request one or more of the following:               <ol style="list-style-type: none"> <li>a. A comprehensive health assessment by a physician that identifies medical problems or constraints that may affect the student's education. The school nurse may add additional relevant health information from the student’s school health records.</li> <li>b. A psychological assessment by a certified school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination.</li> <li>c. A home assessment that may be conducted by a nurse, psychologist, social worker, guidance or adjustment counselor, or teacher and includes information on pertinent family history and home situation and may include a home visit, with the</li> </ol> </li> </ol>

<b>CRITERION NUMBER</b>					
	<b>Legal Standard</b>				
	<p style="text-align: center;">agreement of the parent</p> <p>3. At the re-evaluation of a student, if <u>the Team decides</u> that no additional assessments are needed to determine whether the student continues to be eligible for special education, the school district recommends to the student's parents the following:</p> <ul style="list-style-type: none"> <li>a. that no further assessments are needed and the reasons for this; and</li> <li>b. the right of such parents to request an assessment.</li> </ul>				
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>State Regulations</b></td> <td style="width: 50%;"><b>Federal Requirements</b></td> </tr> <tr> <td>28.04 (1) and (2)</td> <td>300.532; 300.346.(a)(2)(v)</td> </tr> </table>	<b>State Regulations</b>	<b>Federal Requirements</b>	28.04 (1) and (2)	300.532; 300.346.(a)(2)(v)
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<b>Rating: Partially implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>			

*Department of Education Findings: As noted in SE 1 above, the on-site team found that Chicopee does not perform assessment(s) in all areas related to a student's suspected disability(ies). The on-site team also found that Chicopee does have a teacher evaluation form to measure a student's specific ability in the regular education setting; however, these forms were often incomplete and lacked detail, thus impairing the ability of the IEP Team in making appropriate determinations for a student.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 3</b>	<p><b>Special requirements for determination of specific learning disabilities</b></p> <p>When the district proposes to evaluate a child suspected of having a specific learning disability, the following requirements are implemented:</p> <p><u>Team membership:</u> The district ensures the Team includes at a minimum the parent, the child's regular classroom teacher appropriate to the age of the child and at least one person qualified to conduct individual diagnostic examinations of children.</p> <p><u>Criteria for determining the existence of a specific learning disability:</u></p> <ol style="list-style-type: none"> <li>1. the achievement is determined not to be commensurate with the age and ability of the child;</li> <li>2. a severe discrepancy exists in one or more areas between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill and reading comprehension, mathematics calculation and reasoning;</li> <li>3. the severe discrepancy between ability and achievement is not resulting from visual, hearing or motor impairment, mental retardation, emotional disturbance or environmental, cultural or economic disadvantage.</li> </ol>

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
	<p><u>Required observation of the child:</u></p> <ol style="list-style-type: none"> <li>1. at least one Team member <u>other than</u> the child’s regular teacher observes the child’s academic performance in the regular classroom setting;</li> <li>2. if the child is less than school age, the observation is conducted in an environment appropriate for a child of that age.</li> </ol> <p><u>Written documentation of the Team’s determination of eligibility due to the presence of a specific learning disability includes the following:</u></p> <ol style="list-style-type: none"> <li>1. statement whether the child has a specific learning disability;</li> <li>2. the basis for making the determination;</li> <li>3. the relevant behavior noted during the observation of the child;</li> <li>4. the relationship of that behavior to the child’s academic functioning;</li> <li>5. the educationally relevant medical findings, if any;</li> <li>6. statement whether there is a severe discrepancy between achievement and ability that is not correctable without special education and/or related services; and</li> <li>7. the determination of the Team concerning the effects of environmental, cultural, or economic disadvantage.</li> </ol> <p><u>Required written certification of Team members:</u>  Each Team member certifies in writing whether the report reflects his or her conclusion. If not, the Team member submits a separate statement presenting his or her conclusions.</p> <table border="0" style="width:100%; border:none;"> <tr> <td style="width:50%; vertical-align:top;"><b>State Regulations</b></td> <td style="width:50%; vertical-align:top;"><b>Federal Requirements</b> 300.540-543</td> </tr> </table>	<b>State Regulations</b>	<b>Federal Requirements</b> 300.540-543
<b>State Regulations</b>	<b>Federal Requirements</b> 300.540-543		
<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED: Yes</b>		

**Department of Education Findings:** *The on-site team found that Chicopee does have district wide procedures and a form for identifying students with Specific Learning Disabilities. However, through interviews and record reviews, the on-site team found that the procedures were not followed, and when an SLD form appeared in the student record, it was not completed with sufficient specificity to be helpful to the Team.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 4</b>	<p><b>Reports of assessment results</b></p> <ol style="list-style-type: none"> <li>1. Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impression, and shall define in detail and in educationally relevant and common terms, the student’s needs, offering explicit means of meeting them. Assessors may recommend appropriate types of placements, but shall not recommend specific classrooms or schools.</li> </ol>



<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>2. Summaries of assessments are completed prior to discussion by the Team and, upon request, are made available to the parent at least two days in advance of the Team discussion.</p> <p><b>State Regulations</b> 28.04(2)(c)</p> <p><b>Federal Requirements</b> 300.532</p>
	<p><b>Rating: Partially Implemented</b></p> <p><b>DISTRICT RESPONSE REQUIRED:</b> <b>Yes</b></p>

**Department of Education Findings:** *Evaluation reports are inconsistent. Some evaluators write detailed reports and include pertinent information is helpful in making eligibility determinations. Unfortunately, most evaluators wrote reports that lacked detail, did not define a student’s disability in educationally relevant and common terms, and did not include information regarding a student’s needs with explicit means of meeting them.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 5</b>	<p><b>Participation in general State and district-wide assessment programs</b></p> <p>1. All students with disabilities whose placements are funded by the district are included in the Massachusetts Comprehensive Assessment System (MCAS) and other district-wide assessment programs.</p> <p>2. The district’s IEP Teams designate how each student will participate and, if necessary, provide an alternate assessment.</p> <p><b>State Regulations</b></p> <p><b>Federal Requirements</b> 300.138; 300.139</p>
	<p><b>Rating: Partially Implemented</b></p> <p><b>DISTRICT RESPONSE REQUIRED:</b> <b>Yes</b></p>

**Department of Education Findings:** *While each Team does make determinations, the narrative of the IEPs that address a student’s disability are often vague and do not provide enough information to determine what type of accommodations are needed for state and district-wide assessment programs. The on-site team also found that the district, not the IEP Teams, has decided that all students in substantially separate classes at Litwin Elementary School will be taking an alternate assessment instead of the on demand MCAS test.*

CRITERION NUMBER			
	Legal Standard		
<p><b>SE 6</b></p>	<p><b>Determination of transition services</b></p> <ol style="list-style-type: none"> <li>1. For a student who is 14 years of age, the Team considers the student’s course of study in relation to the student’s future goals and document this in the IEP.</li> <li>2. For a student who is 16 years of age, or younger if appropriate, the Team includes in the IEP services that promote movement of the student from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.</li> <li>3. The transition services are based upon the student's needs, taking into account the student's preferences and interests and includes specially designed instruction, community experiences, the development of employment or other post-school adult living objectives, and, if appropriate, the acquisition of daily living skills and functional vocational evaluation.</li> <li>4. For any student approaching graduation or the age of twenty-two, the Team determines whether the student is likely to require continuing services from adult human service agencies. In such circumstances, the Administrator of Special Education makes a referral to the Bureau of Transitional Planning in the Executive Office of Health and Human Services in accordance with the requirements of M.G.L. c.71, §12A-§12C (known as Chapter 688).</li> <li>5. In cases where the IEP included needed transition services and a participating agency other than the school district fails to provide these services, the Team reconvenes to identify alternative strategies to meet the transition objectives.</li> <li>6. The district ensures that students age 14, or younger if appropriate, are invited to and attend Team meetings at which transition services are discussed or proposed</li> </ol> <p><b>State Regulations</b> M.G.L. Ch.71B, Sections 12A-C 603 CMR 28.05(4)(c)</p> <p><b>Federal Requirements</b> 300.344(b), 300.347</p>		
	<p><b>Rating: Partially Implemented</b></p>	<p><b>DISTRICT RESPONSE REQUIRED:</b></p>	<p><b>Yes</b></p>

**Department of Education Findings:** *A review of student records indicates that Transition planning for post school activities does not occur for most students with an IEP. The state’s IEP form presumes that transition planning begins at the beginning of each IEP and that specially designed instruction is partially based on what is documented on the first page of the IEP. The records consistently had little detail regarding a student’s plans on page one of the IEP, and there was little correlation between the student plans and the goals and objectives written on subsequent pages.*

CRITERION NUMBER			
	Legal Standard		
SE 7	<p><b>Transfer of parental rights at age of majority and student participation and consent at the age of majority</b></p> <ol style="list-style-type: none"> <li>1. One year prior to the student reaching age eighteen, the district informs the student of his or her right at age 18 to make all decisions in relation to special education programs and services.</li> <li>2. Upon reaching the age of eighteen, the school district implements procedures to obtain consent from the student to continue the student’s special education program.</li> <li>3. The district continues to send the parent written notices and information but will no longer have decision-making authority, except as provided below. <ol style="list-style-type: none"> <li>(a) If the parent has sought and received guardianship from a court of competent jurisdiction, then the parent retains full decision-making authority. The parent does not have authority to override any decision or lack of decision made by the student who has reached the age of majority unless the parent has sought or received guardianship or other legal authority from a court of competent jurisdiction</li> <li>(b) The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to share decision-making with his or her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such choice is made in the presence of the Team and is documented in written form. The student’s choice prevails at any time that a disagreement occurs between the adult student and the parent or other adult with whom the student has shared decision-making</li> <li>(c) The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to delegate continued decision-making to his or her parent, or other willing adult. Such choice is made in the presence of at least one representative of the school district and one other witness and is documented in written form and maintained in the student record.</li> </ol> </li> </ol> <p><b>State Regulations</b> M.G.L. Ch. 231, Sec 3A 603 CMR 28.08(5),</p> <p><b>Federal Requirements</b> 300.347(c), 300.517</p>		
	<b>Rating: Partially implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>

**Department of Education Findings:** *A review of records indicates that the district does not consistently notify parents regarding the upcoming transfer of legal rights, nor does Chicopee seek to obtain consent from students who reach the age of majority.*

CRITERION NUMBER			
	Legal Standard		
SE 8	<p><b><u>Evaluation Team composition</u></b>  The following persons are members of the evaluation Team:</p> <ol style="list-style-type: none"> <li>1. The child’s parents</li> <li>2. A representative of the school district who acts as Chairperson and who is (1) qualified to supervise or provide special education; (2) is knowledgeable about the general curriculum; and (3) is knowledgeable about the availability of resources of the district.</li> <li>3. A representative of the school district who has the authority to commit the resources of the district (and who may act as the Chairperson)</li> <li>4. A teacher who has recently had or currently has the student in a classroom or other teaching situation. If the student is involved or may be involved in a regular education program, a regular education teacher must be included as a Team member.</li> <li>5. The student, age fourteen and older, if he/she chooses</li> <li>6. Other individuals at the request of the student's parents</li> <li>7. At least one teacher or specialist trained in the area of the student's suspected special needs</li> <li>8. Individuals who are qualified to interpret the instructional implications of evaluation results</li> <li>9. Other individuals who may be necessary to write an IEP for the child, as determined by the Administrator of Special Education</li> <li>10. When one purpose of the Team meeting is to discuss transition services, the student age sixteen or older (or younger, if appropriate) is a part of Team process. If the student does not attend the Team meeting, the school district ensures that the Team is informed of the student's interests and preferences.</li> <li>11. When one purpose of the Team meeting is to discuss transition services, a representative of any public agency who may be responsible for providing or paying for transition services is invited to the Team meeting. If the representative(s) does not attend the meeting, the school district takes other steps to obtain the participation of these agencies.</li> </ol> <p><b>State Regulations</b> 28.02(22)</p> <p><b>Federal Requirements</b> 300.344; 300.552</p>		
	<b>Rating: Partially implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>

**Department of Education Findings:** *The on-site team found that this criterion was inconsistently implemented. While the invitation list in the student record is extensive, the participants who actually attend or provide feedback are not sufficient in order to make appropriate decisions about the student’s IEP or his or her placement. Through interviews the on-site team found that Teams, particularly at the elementary levels, do not have the authority to commit district resources and that many times the IEP Teams make decisions regarding the programmatic needs of students that are reversed at higher administrative levels in the district.*

CRITERION NUMBER			
	Legal Standard		
<p><b>SE 9</b></p>	<p><b>Eligibility determination: Timelines for evaluation, provision of IEP and/or identification of other needed instructional programs</b></p> <ol style="list-style-type: none"> <li>1. Within forty-five school working days after receipt of the parent's written consent to an initial evaluation, unscheduled evaluation, or re-evaluation, the school district:               <ol style="list-style-type: none"> <li>a. provides an evaluation</li> <li>b. convenes a Team meeting</li> <li>c. determines whether the student has one or more disabilities</li> <li>d. determines if the student is making effective progress in school</li> <li>e. determines if any lack of progress is a result of the student's disability</li> <li>f. determines if the student requires special education and/or related services and/or accommodations in order to make effective progress or that the student requires related services in order to access the general curriculum</li> <li>g. develops an IEP where the student is found to need special education</li> <li>h. provides the parent with the proposed IEP, or a written explanation of the finding of no eligibility</li> <li>i. determines that a student is ineligible to receive special education and/or the student's lack of progress is due to a lack of instruction in reading or math or limited English proficiency or social maladjustment, the student is referred to a more appropriate instructional program or support service</li> <li>j. determines at the time of re-evaluation if the student would continue to make progress in school without the provision of special education services.</li> </ol> </li> <li>2. If a Team determines that a student is not eligible for special education but may be eligible for accommodation(s) for disability(ies) under Section 504, the student is referred for consideration by the district for eligibility under that regular education program.</li> <li>3. When the development of a student's IEP does not indicate a need for direct services, the Team makes a finding of no eligibility and appropriate services are provided through the district's general education program.</li> </ol> <p><b>State Regulations</b> 28.05(1) and (2)</p> <p><b>Federal Requirements</b> 300.534</p>		
	<p><b>Rating: Partially implemented</b></p>	<p><b>DISTRICT RESPONSE REQUIRED:</b></p>	<p><b>Yes</b></p>

**Department of Education Findings:** *While the district conducts evaluations and convenes meetings, the remainder of the process is not implemented. Timelines are consistently missed, the Department's*

eligibility determination charts are not effectively used to determine a student's eligibility are not completed or completed improperly on a district-wide level, and inappropriate determinations based on evaluations results are widespread.

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 10</b>	<p><b>End of school year evaluations</b>            If consent is received within thirty (30) to forty-five (45) school working days before the end of the school year, the school district ensures that a Team meeting is scheduled so as to allow for the provision of a proposed IEP or written notice of the finding that the student is not eligible no later than fourteen (14) days after the end of the school year..</p> <p><b>State Regulations</b> 28.05(1)</p> <p><b>Federal Requirements</b> 300.342</p>
	<p><b>Rating: Partially Implemented</b></p> <p style="text-align: right;"><b>DISTRICT RESPONSE REQUIRED: Yes</b></p>

**Department of Education Findings:** *The district was able to identify only one student where consent for evaluation was received between the 30 and 45 school working days before the end of the school year. While the record was completed in a timely manner, the on-site Team's concerns regarding other required timelines raises a concern about this timeline as well. Because of the lack of a district-wide system in place to monitor whether this criterion is being implemented, it was very difficult for the on-site Team to make a determination for this criterion. The on-site team has asked the special education director to monitor all consent for evaluation forms received between 30 and 45 school working days before the end of the 2001-2002 school year and report to the Department whether or not evaluations and IEP Teams are convened in a timely manner.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 11</b>	<p><b>School district response to parental request for independent educational evaluation</b>            If a parent disagrees with an initial evaluation or re-evaluation completed by the school district, and the parent requests an independent educational evaluation, the district implements the following requirements:</p> <ol style="list-style-type: none"> <li>1. All independent educational evaluations funded by the district are conducted by qualified persons who are registered, certified, licensed or otherwise approved and who abide by the rates set by the state agency responsible for setting such rates. Unique circumstances of the child are justified when an individual assessment rate is higher than that normally allowed.</li> </ol>

CRITERION NUMBER			
	Legal Standard		
	<p>2. The school district has procedures to offer parents the option of participating in an income eligibility program for free or reduced cost independent educational evaluations that are equivalent to the types of assessments done by the school district.</p> <p>3. The district extends the right to a publicly funded independent educational evaluation (only if cost shared or funded for state wards or for students receiving free or reduced cost lunch) for sixteen (16) months from the date of the evaluation with which the parent disagrees.</p> <p>4. If the parent is requesting an evaluation in an area not assessed by the school district, or if the student does not meet or the parent does not choose to share the financial documentation regarding the income eligibility standards for free or reduced cost independent educational evaluation, then the school district responds in accordance with the requirements of federal law by paying for the independent educational evaluation or, within five school days, proceeding to Special Education Appeals to show that its evaluation was comprehensive and appropriate. Where the Department's Special Education Appeals finds that the school district's evaluation was comprehensive and appropriate, the school district does not pay for the independent educational evaluation requested by the parent.</p> <p>5. Whenever possible, the independent educational evaluation is completed and a written report sent no later than thirty (30) days after the date the parent requests the independent educational evaluation. If publicly funded, the report is sent to the parents and to the school district. The independent evaluator's report summarizes, in writing, procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator recommends appropriate types of placements but does not recommend specific classrooms or schools.</p> <p>6. Within ten (10) school days from the time the school district receives the report of the independent educational evaluation, the Team reconvenes and considers the independent educational evaluation (which may be publicly or privately funded) and whether a new or amended IEP is appropriate.</p>	<p><b>State Regulations</b> 28.04(5)</p>	<p><b>Federal Requirements</b> 300.503(a)(3)(i)</p>
	<p><b>Rating: Partially Implemented</b></p>	<p><b>DISTRICT RESPONSE REQUIRED:</b></p>	<p><b>Yes</b></p>

**Department of Education Findings:** *The district's memorandum regarding its implementation of the reduced cost provisions for Independent Educational Evaluations is inconsistent with state requirements included under this criterion. In addition, based on interviews, the district needs to provide further training regarding this matter to building-based staff, as they are not familiar enough with Independent Educational Evaluations (IEEs) to make appropriate decisions and ensure procedures are followed correctly.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 12</b>	<p><b>Frequency of re-evaluation</b></p> <ol style="list-style-type: none"> <li>1. Every three years, or sooner if necessary, the school district, with parental consent, conducts a full three-year re-evaluation consistent with the requirements of federal law.</li> <li>2. The district implements re-evaluation procedures in all cases where it is suspected that a student is no longer eligible for special education.</li> </ol> <p><b>State Regulations</b> 28.04(3)</p> <p><b>Federal Requirements</b> 300.536</p>
	<p><b>Rating: Not Implemented</b></p> <p><b>DISTRICT RESPONSE REQUIRED:</b> <b>Yes</b></p>

**Department of Education Findings:** *The review of records indicates that the vast majority of reevaluations are not completed every three years.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 13</b>	<p><b>Progress Reports and content</b></p> <ol style="list-style-type: none"> <li>1. Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students.</li> <li>2. Progress report information sent to parents includes written information on the student's progress toward 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.</li> </ol> <p><b>State Regulations</b> 28.07(3)</p> <p><b>Federal Requirements</b> 20 U.S.C. Chapter 33, Section 1414(d)(1)(A)(viii) 300.347</p>
	<p><b>Rating: Partially Implemented</b></p> <p><b>DISTRICT RESPONSE REQUIRED:</b> <b>Yes</b></p>

**Department of Education Findings:** *The on-site team found that progress reports are inconsistently completed throughout Chicopee. While some progress reports are timely and provide relevant*



information, the on-site team also found progress reports that provide little information regarding student progress, are not always completed as often as report cards and are not consistently translated into parent’s native language.

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 14</b>	<p><b>Annual review Team meeting</b>            At least annually, on or before the anniversary date of the implementation of the IEP, a Team meeting (including the major service providers and the parent) is held to consider the student’s progress and to review, revise, or develop a new IEP or refer the student for a re-evaluation, as appropriate.</p> <p><b>State Regulations</b> 28.04(3)</p> <p><b>Federal Requirements</b> 300.343(c)</p>
	<p><b>Rating: Not implemented</b></p> <p style="text-align: right;"><b>DISTRICT RESPONSE REQUIRED: Yes</b></p>

**Department of Education Findings:** *Through a review of student records, the onsite team found that the vast majority of annual review Team meetings do not occur on or before the anniversary date of the implementation of the IEP.*

<b>CRITERION NUMBER</b>	<b>TITLE 1 I. ASSESSMENT OF STUDENT PROGRESS</b>
	<b>Legal Standard</b>
<b>TI 1</b>	<p>MCAS testing has been used to measure the progress of schools and the school district, and the proficiency of students in the academic subjects, adopted by Massachusetts, which reflects challenging content and student performance standards.</p> <p>1111(b)(3)(D)</p>
	<p><b>Rating: Implemented</b></p> <p style="text-align: right;"><b>District Response Required: No</b></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 2</b>	In a Schoolwide Program <b>all</b> students are assessed in the selected grades during grade spans 3-5, 6-9, 10-12. 1114 (c)(1)(B)(I) ESEA,IASA
	<b>Rating: Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 3</b>	In Targeted Assistance Schools (schools with less than 50% poverty) either: 1. all Title I identified students who are being served, or 2. all students are assessed in at least one grade of each of the spans (3-5, 6-9, and 10-12.)  1115 (c)(1)(A) ESEA,IASA
	<b>Rating: Not Applicable</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span>

**Department of Education Findings:** *The Chicopee Title I program is a district-wide program.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 4</b>	MCAS and other local assessment results are analyzed in at least mathematics and reading/language arts and are used a) to determine program needs of students most at risk, b) to inform Title I program design and services, and c) to evaluate the impact on student achievement.  1111 (b)(3) ESEA, IASA
	<b>Rating: Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span>

CRITERION NUMBER	TRANSITIONAL BILINGUAL EDUCATION I. ASSESSMENT OF STUDENT PROGRESS		
	Legal Standard		
<b>TBE 1</b>	Pupil's progress reports and report cards are: a) sent to parents or guardians of students enrolled in Transitional Bilingual Education program in the same manner and frequency as progress reports and reports cards are sent to parents or guardians of other students enrolled in the school district; and b) written in English and the native language of the parents or guardians of the student. 603 CMR 14.03(2)		
	<b>Rating: Partially Implemented</b>	<b>District Response Required:</b>	<b>Yes</b>

**Department of Education Findings:** *The findings in this area were inconsistent from school to school. There were some schools that did send home progress reports and report cards in English and in native languages. This was most evident at the secondary level. Additionally, translations into native language only occurred in Spanish and Russian, even though there are several other language groups that should be receiving bilingual education services (i.e. Polish and Ukrainian). In most of the schools there were translators available in order to ensure accurate language translation for parents or guardians--however, not all language groups have access to translators.*

CRITERION NUMBER	TRANSITIONAL BILINGUAL EDUCATION II. ASSESSMENT OF STUDENT PROGRESS		
	Legal Standard		
<b>TBE 2</b>	Once a student has been enrolled in the TBE program, he/she is tested annually in the following English skills: a) oral comprehension b) speaking c) reading d) writing These assessments will be placed in the student's school record. M.G.L. c.71A, §2		
	<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>

**Department of Education Findings:** *Identified TBE students are tested annually by appropriate personnel (an ESL teacher), but there are problems with the administration of the testing that the on-site team has concerns with. First, the on-site team found that tests are not bought but rather copied (a violation of copyright laws). Second, there is inconsistency on the reading and writing portions. Some schools utilize the LAS tests and other use CLOZE testing—thus making inconsistent determinations of language acquisition. Third, there are two forms for the LAS and it is*

*recommended that the tests be alternated every other year—but this practice is not being done in Chicopee. Finally, the on-site team has a concern as to how these assessments are used for placement. Because Chicopee does not have a TBE program, it was difficult to decipher where students are in their language acquisition.*

<b>CRITERION NUMBER</b>				
	<b>Legal Standard</b>			
<b>TBE 2A</b>	As required by the Department of Education, the district has determined the participation of TBE and ESL students in the state mandated (MCAS) testing program and provides testing accommodations as appropriate to ensure equal participation of these students.			
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>Rating: Partially Implemented</b></td> <td style="width: 25%;"><b>DISTRICT RESPONSE REQUIRED:</b></td> <td style="width: 25%; text-align: right;"><b>Yes</b></td> </tr> </table>	<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>
<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>		

**Department of Education Findings:** *In interviews with school district personnel, the on-site team found that Limited English Proficient Students were offered the use of translation dictionaries and allowed additional time when taking the MCAS. Chicopee could not provide the Department with any data for Limited English Proficient Students who take the MCAS, and the on-site team found no evidence of how MCAS data was improving instruction for Limited English Proficient Students.*

## COMPONENT II: STUDENT IDENTIFICATION AND PLACEMENT

The criteria in this component examine whether the district has followed procedures for student identification and placement into the program according to the criteria in regulations for the program areas listed below:

- Special Education (Report Issues # SE 15-23)
- Civil Rights Methods of Administration (MOA)  
(Report Issues # MOA 1-6)
  - Title I (Report Issues # TI 5-9)
- Transitional Bilingual Education (Report Issues # TBE 3-7)

<b>CRITERION NUMBER</b>	<b>SPECIAL EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT</b>		
	<b>Legal Standard</b>		
<b>SE 15</b>	<p><b>Outreach by the School District (Child Find)</b> The district has annual or more frequent outreach and continuous liaison with those groups below from which promotion or transfer of students in need of special education may be expected, or which would include students in need of special education:</p> <ol style="list-style-type: none"><li>1. professionals in community</li><li>2. private nursery schools</li><li>3. day care facilities</li><li>4. group homes</li><li>5. parent organizations</li><li>6. clinical /health care agencies</li><li>7. early intervention programs</li><li>8. other public/private/parochial schools</li><li>9. other agencies/organizations</li><li>10. the school itself, including charter schools</li><li>11. agencies serving migrant and/or homeless persons</li></ol>		
	<b>State Regulations</b>	<b>Federal Requirements</b> 300.125; 300.312	
	<b>Rating: Implemented</b>	<b>District Response Required:</b>	<b>No</b>

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
<b>SE 16</b>	<p><b>Screening</b></p> <ol style="list-style-type: none"><li>1. The school district conducts screening for three and four year olds and for all children who are of age to enter kindergarten. Such screening is designed to review a child's development and to assist in identification of those children who should be referred for an evaluation to determine eligibility for special education services.</li><li>2. Participation in the screening program for three and four year olds is optional on the part of the parents.</li><li>3. Provision is made for ongoing and periodic screening of all students as required by the Department of Public Health (vision, hearing, and posture).</li></ol>		
	<b>State Regulations</b> 28.03(1)(d) Chapter 71, section 57	<b>Federal Requirements</b>	
	<b>Rating: Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 17</b>	<p><b>Initiation of services at age three and Early Intervention transition procedures</b></p> <ol style="list-style-type: none"> <li>1. The school district encourages referrals from the Department of Public Health, other agencies, and individuals for young children when or before the child turns two-and-one-half years old in order to ensure continuity of services and to ensure the development and implementation of an IEP for eligible children by the date of the child's third birthday in accordance with federal requirements.</li> <li>2. The district implements procedures to ensure the effective transition of young children with disabilities from Early Intervention Programs through participation in transition planning conferences arranged by such programs.</li> </ol> <p><b>State Regulations</b> 28.06(7)(b)</p> <p><b>Federal Requirements</b> 300.24(b)(3); 300.121(c); 300.132; 300.342(c)</p>
	<p><b>Rating: Implemented</b></p> <p style="text-align: center;"><b>DISTRICT RESPONSE REQUIRED:</b></p> <p style="text-align: right;"><b>No</b></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 18A</b>	<p><b>IEP development and content</b></p> <ol style="list-style-type: none"> <li>1. Upon determining that the student is eligible for special education, the Team, including the parent(s), develops an IEP at the Team meeting using the evaluation data to guide development of measurable, annual goals and objectives/benchmarks for the student. If the district chooses to draft any element(s) of the IEP for discussion, the Team Chairperson ensures that those elements are genuinely considered prior to adoption at the Team meeting. All ideas and needs of the child as expressed by all Team members, especially the parents, are genuinely considered by the district prior to proposing the IEP.</li> <li>2. The IEP includes specially designed instruction to meet the needs of the individual student and related services that are necessary to allow the student to benefit from the specially designed instruction, or consists solely of related services that are necessary to allow the student to access the general curriculum, consistent with federal and state requirements.</li> <li>3. In developing the IEP, the Team proposes specially designed instruction and related services according to the needs of the child <u>and not</u> according to the availability of such instruction or related services.</li> <li>4. The IEP is completed addressing all elements of the most current IEP format</li> </ol>

CRITERION NUMBER			
	<b>Legal Standard</b>		
	<p>provided by the Department of Education. Where applicable, the district includes in the IEP, or other notice to the parent, information regarding the implementation of any necessary restraint procedures for students as required under 603 CMR 46.00.</p> <p>5. If the Team members are unable to agree on the IEP, the Team chairperson states the elements of the IEP proposed by the school district.</p> <p>6. The school district ensures that each IEP Team has at least one person with authority to commit the resources of the district and that whatever services are set out in the IEP will actually be provided and that the IEP will not be changed at a higher administrative level within the district.</p> <p>7. The IEP is written in generally understandable language.</p> <p><b>State Regulations</b> 28.05(3), (4), (6) and (7) 28.06(2)</p>	<p><b>Federal Requirements</b> 300.340-300.350; 300.343(a) 34 CFR Part 300, Appendix A, Question #22.</p>	
	<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>

**Department of Education Findings:** *Because of the non-compliance issues noted in Component I of this report (see pages 12-24, above), this criterion can not be considered implemented. As stated above, Chicopee’s assessment and eligibility process is flawed, thus it would be unlikely that IEPs developed can accurately describe services based on a student’s need. Additionally, written goals are extremely questionable with many students receiving what amounts to monitoring of student progress rather than actual delivery of special education services. Finally, based on records and interviews, the on-site team found that Chicopee’s current system of inclusion is not specially designed instruction but rather provides each student with only accommodations that teachers state is already provided to students within the regular education classroom.*



<b>CRITERION NUMBER</b>					
	<b>Legal Standard</b>				
<b>SE 18B</b>	<p><b>Determination of placement; provision of IEP to parent</b></p> <ol style="list-style-type: none"> <li>1. At the Team meeting, after the IEP has been fully developed, the Team determines the appropriate placement to deliver the services on the student's IEP.</li> <li>2. Unless the student's IEP requires some other arrangement, the student is educated in the school that he or she would attend if the student did not require special education.</li> <li>3. The decision regarding placement is based on the IEP, including the types of related services that are to be provided to the child, the type of settings in which those services are to be provided, the types of service providers, and the location at which the services are to be provided.</li> <li>4. The placement selected by the Team is the least restrictive environment consistent with the needs of the student.</li> <li>5. Immediately following the development of the IEP, and within 45 school working days after receipt of the parent's written consent to an initial evaluation or reevaluation, the district provides the parent with two (2) copies of the proposed IEP and proposed placement along with the required notice, except that the proposal of placement may be delayed according to the provisions of 603 CMR 28.06(2)(e) in a limited number of cases.</li> </ol> <p style="text-align: center;"> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>State Regulations</b></td> <td style="width: 50%;"><b>Federal Requirements</b></td> </tr> <tr> <td>28.05(6) and (7)</td> <td>300.346</td> </tr> </table> </p>	<b>State Regulations</b>	<b>Federal Requirements</b>	28.05(6) and (7)	300.346
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<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>			

**Department of Education Findings:** *Similar to the finding in SE 18A, above, the flaws in Chicopee's IEP process make the appropriate placement of students difficult. An overall concern is the inappropriate use of inclusionary classrooms for students who staff report need a different type of placement. District staff were very forthright that many students quickly fall behind in an inclusionary setting as there is no other place for the students to be placed. Elementary staff indicated that placing a child out of his or her home school was extremely difficult with in-district programs at capacity and the practice of central office countermanning out-of-district placements. At the middle and high school levels, students with emotional disabilities were inappropriately placed out of district as a result of insufficient data to support the placement.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 19</b>	<p><b>Extended evaluation</b> If the Team finds a student eligible for special education and finds the evaluation</p>



<b>CRITERION NUMBER</b>					
	<b>Legal Standard</b>				
3.	The district does not remove an eligible child from the general education classroom solely because of needed modification in the curriculum.				
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<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>			

**Department of Education Findings:** *In reviewing the IEPs, the on-site team found that the justification for a more restrictive setting stated in the IEPs did not provide enough information to meet compliance with this criterion. Once again, the on-site team has concerns about Chicopee’s over-identification of students with emotional disabilities at the middle and high school level and the consequent placement of these students out of district. Additionally, the on-site team has concerns about the inclusionary system that Chicopee utilizes, as staff consistently reported some students need a more restrictive environment to ensure that they receive a Free and Appropriate Public Education. Due to the lack of these programs in-district, Teams are unable to propose these more appropriate and less costly placements.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 21</b>	<p><b>School day and school year requirements</b></p> <ol style="list-style-type: none"> <li>1. The school district ensures that every eligible elementary level student is scheduled to receive a minimum of 900 hours per school year of structured learning time and every secondary school student is scheduled to receive a minimum of 990 hours per school year of structured learning time unless otherwise provided for below.</li> <li>2. The Team routinely considers the need for an educational program that is less than or more than the regular school day or school year, including extended day, or year, and/or residential services and indicates on the IEP why the shorter or longer program is necessary.</li> <li>3. The daily duration of the child’s program is equal to that of the regular school day unless the Team states that a different duration is necessary to provide a free appropriate public education to the child.</li> <li>4. Specialized transportation schedules do not impede a student’s access to a full school day and program of instruction.</li> <li>5. An extended day or year program is identified if the student has demonstrated or is likely to demonstrate substantial regression in his or her learning skills and/or substantial difficulty in relearning such skills if an extended program is not provided.</li> <li>6. If residential services are required, the IEP clearly specifies the reasons for such determination and how such services will be coordinated with the day education</li> </ol>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>services provided to the student. Additionally, the annual goals and services on the student's IEP reflects the comprehensive nature of the educational program required.</p> <p>7. Camping or recreation programs provided solely for recreational purposes and with no corresponding IEP goals or specially designed instruction are not to be considered for extended year programs.</p> <p><b>State Regulations</b> 28.05(4) Chapter 69, section 1G</p> <p style="text-align: right;"><b>Federal Requirements</b> 300.309(b)</p>
	<p><b>Rating: Implemented</b></p> <p style="text-align: center;"><b>DISTRICT RESPONSE REQUIRED:</b></p> <p style="text-align: right;"><b>No</b></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 22</b>	<p><b>IEP implementation and availability</b></p> <ol style="list-style-type: none"> <li>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 school district provides the mutually agreed upon services without delay.</li> <li>2. At the beginning of each school year, the district has an IEP in effect for each eligible student within its jurisdiction.</li> <li>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.</li> <li>4. The school district 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 parents in writing of any delayed services, reasons for delay, actions that the school district 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 parents, the school district implements alternative methods immediately until the lack of space or personnel issues are resolved.</li> </ol> <p><b>State Regulations</b> 28.05(7)(b); 28.06(2)(b)(2)</p> <p style="text-align: right;"><b>Federal Requirements</b> 300.342</p>
	<p><b>Rating: Partially Implemented</b></p> <p style="text-align: center;"><b>DISTRICT RESPONSE REQUIRED:</b></p> <p style="text-align: right;"><b>Yes</b></p>

**Department of Education Findings:** *At the beginning of each school year, the district does not have an IEP in effect for each eligible student within its jurisdiction. In surveys and interviews, parents raised concerns about the delay in the implementation of services after parental consent was received. Finally, due to scheduling problems, eligible special education students at Chicopee High School did*

not receive services for the first three months of the 2001-2002 school year.

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 23</b>	<p><b>Confidentiality of personally identifiable information</b> The district protects the confidentiality of any personally identifiable information that is collected, used or maintained in accordance with federal and state law.</p> <p><b>State Regulations</b> 603 CMR 23.00 (Student Records Regulations)</p> <p><b>Federal Requirements</b> 300.560-576; Family Educational Rights and Privacy Act (FERPA)</p>
	<p><b>Rating: Partially Implemented</b>                      <b>DISTRICT RESPONSE REQUIRED:</b>                      <b>Yes</b></p>

**Department of Education Findings:** *In reviewing the student records, the district’s log of access does not contain all of the required elements.*

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION II. STUDENT IDENTIFICATION AND PLACEMENT</b>
	<b>Legal Standard</b>
<b>MOA 1</b>	<p><b>Identification of limited English proficient students</b> The district uses qualified staff and appropriate procedures and assessments to annually classify and evaluate students who are limited English proficient and who need special language assistance.</p> <p>Title VI; MGL, Ch.76, Section 5</p>
	<p><b>Rating: Partially Implemented</b>                      <b>District Response Required:</b>                      <b>Yes</b></p>

**Department of Education Findings:** *The on-site team found that Chicopee does assess students who are Limited English Proficient; however, as documented in TBE 1, there are numerous problems with the administration of the testing.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 2</b>	<p><b>Program modification for limited English proficient students</b>  For students requiring special language assistance, the district makes necessary program modifications to effectively serve limited English proficient students.</p> <p>Title VI; MGL, Ch.76, Section 5</p>
	<p><b>Rating: Partially Implemented</b>                      <b>DISTRICT RESPONSE REQUIRED:</b>                      <b>Yes</b></p>

**Department of Education Findings:** *While Chicopee does provide program modifications for Limited English Proficient Students, the on-site team has concerns about the effectiveness of the services provided. The on-site team recommends that Chicopee self-assess itself using the U.S. Department of Education’s Programs for English Language Learners (enclosed with the report) in conjunction with the requirements of Massachusetts’ Transitional Bilingual Education law, to measure and evaluate the effectiveness of Chicopee’s programs for Limited English Proficient Students.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 3</b>	<p><b>Access to a full range of education programs</b>  All students in grades 7-12, including linguistic and/or racial and ethnic minorities, males/females and students with disabilities, have access to the general education program and the full range of any occupational/vocational education programs offered by the district.</p> <p>Title II, Title VI, Title IX, S. 504, MGL, Ch.76, Section 5</p>
	<p><b>Rating: Partially Implemented</b>                      <b>DISTRICT RESPONSE REQUIRED:</b>                      <b>Yes</b></p>

**Department of Education Findings:** *Based on interviews, the on-site team found that not all students have access to all educational programs. Limited English Proficient students do not have access to all programs at the high school level, students with physical disabilities can not attend the Horizon School (Chicopee’s alternative school) due to its inaccessibility, and students at Horizon do not have access to vocational programs at Chicopee Comprehensive High School.*

<b>CRITERION NUMBER</b>				
	<b>Legal Standard</b>			
<b>MOA 4</b>	<p><b>Placement of linguistic, racial minority and female/male students</b>  Patterns of placement in district programs and services for disabled students, linguistic and racial minority students, and females are consistent with patterns of placement for non-disabled students, linguistic and racial majority students, and males. If these patterns of placement are not consistent, the district is able to demonstrate that placements have been made for valid educational reasons.</p> <p>Title VI; Title IX; S. 504; MGL, Ch.76, Section 5</p>			
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<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>		

**Department of Education Findings:** *As a part of the Chicopee Coordinated Program Review, the on-site team conducted focused monitoring procedures regarding the apparent disproportionate placement of students in programs and services offered by the district. The on-site began the process by requesting data about Chicopee’s student body based on race/ethnic origin, gender and disability status. Upon reviewing the data, the on-site team sought information from Chicopee regarding the disproportionate number of students as follows: over-representation of males in substantially separate and private day school special education settings, under- representation of females in vocational/Chapter 74 programs, the under-representation of Hispanics in gifted and talented programs and the over representation of Hispanics who are suspended between 1-10 days. As of this date, the on-site team has yet to receive all of the requested information from Chicopee, but is making findings based on the results of the information received and through the data collected as part of the Coordinated Program Review.*

*I. Special Education Disproportionality*

*As indicated in other criteria throughout the report, the Chicopee process for determining eligibility and placement for special education has numerous procedural flaws. One of the problems identified in an outside evaluation of Chicopee’s special education program in 1997 was the large number of students identified with emotional disabilities. The on-site team found this as well and determined that a large number of the students identified as emotionally disturbed were mostly male and were regularly placed out of the regular education setting and that the district is able to demonstrate that such placements have been made for valid educational reasons. When one integrates these findings with a flawed assessment process as identified in Component I of the Coordinated Program Review, it is clear that Chicopee needs to improve the way it serves its adolescent male students who may or may not be eligible for special education based on observed behaviors in the classroom.*

*II. Vocational Program Disproportionality*

*Of the 277 students who participate in Vocational/Chapter 74 programs, only 85 are females (23 percent). With nearly 50 percent of Chicopee’s student body being females, Chicopee needs to reexamine the way it recruits female students for enrollment in its vocational programs, the interest areas of female students in Chicopee’s current vocational programs and any other institutional barriers that may make vocational programs unattractive to female students in Chicopee.*

III. *Gifted and Talented Disproportionality*

*Based on a review of data and interviews, there are many school-based factors that may hinder students of Hispanic origin in accessing gifted and talented programs or Advanced Placement Courses. Hispanic students constitute a higher percentage of special education students than their actual population and are more often placed in restrictive environments with little or no access to regular education courses. Hispanic students are suspended disproportionately from school. And because of a lack of resources and an inadequate Transitional Bilingual Education program, Hispanic students who are Limited English Proficient, may never acquire the necessary skills to participate in gifted and talented programs.*

IV. *Discipline and Disproportionality*

*While there are numerous findings throughout this report on the problems that Chicopee has in enforcing legal and equitable policies on student discipline, the district failed to provide the Department’s onsite team with sufficient information regarding the disciplining of its students to make formal findings under this criterion. The data does show, however, that students of Hispanic origin are suspended at a disproportionate rate which dictates that the district examine the reasons for this disproportionality and the means of addressing this issue.*

CRITERION NUMBER			
	Legal Standard		
<p><b>MOA 5</b></p>	<p><b>Placement of disabled students in occupational/vocational education programs</b>                      When occupational/ vocational placement needs of disabled students are being considered:</p> <ul style="list-style-type: none"> <li>a. persons knowledgeable about a student’s disabilities are present at 504 or special education TEAM meetings and participate in ongoing communication regarding a student’s progress</li> <li>b. an array of occupational/vocational education programs and services are available to facilitate necessary program modifications and to meet the identified needs of students.</li> </ul> <p>Title II, S. 504</p>		
	<p><b>Rating: Partially Implemented</b></p>	<p><b>DISTRICT RESPONSE REQUIRED:</b></p>	<p><b>Yes</b></p>

**Department of Education Findings:** *Students with identified disabilities and who are attending the Horizon School are not eligible to participate in Chicopee’s vocational programs.*



<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 6</b>	<p><b>Availability of in-school programs for pregnant students</b>  Pregnant students are permitted to remain in regular education 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.</p> <p>Title IX</p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span></p>

<b>CRITERION NUMBER</b>	<b>TITLE 1 II. STUDENT IDENTIFICATION AND PLACEMENT</b>
	<b>Legal Standard</b>
<b>TI 5</b>	<p>Targeted Assistance Schools: a description is available of the multiple, objective, educationally-related criteria used to identify eligible students in grade 3 and above who are failing or most at-risk of failing to meet the high quality student performance and assessment standards required of all students.</p> <p>1115 (b)(1)(B) ESEA,IASA  200.28 (Federal Register) CFR; 200.63 (c)(3)(i) (Federal Register) CFR.</p>
	<p><b>Rating: Not Applicable</b> <span style="float: right;"><b>District Response Required: No</b></span></p>

**Department of Education Findings:** *Chicopee does not have Targeted Assistance Schools.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 6</b>	<p>Targeted Assistance Schools: preschool through grade 2 students are selected based on teacher judgment, parental interviews and developmentally appropriate measures.</p> <p>1115 (b)(1)(B) ESEA,IASA</p>
	<p><b>Rating: Not Applicable</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span></p>

**Department of Education Findings:** *Chicopee does not have Targeted Assistance Schools.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 7</b>	Targeted Assistance Schools: The criteria for the identification of students are developed in consultation with parents, administrators, and pupil services personnel.  1115 ESEA,IASA; 1112 (b)(6) ESEA,IASA
	<b>Rating: Not Applicable</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span>

**Department of Education Findings:** *Chicopee does not have Targeted Assistance Schools.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 8</b>	There is evidence that students with limited-English proficiency are identified as eligible and selected for Title I services on the same basis as other children selected to receive services.  1115(b)(2)(A)(i) ESEA, IASA; 200.63 (c)(3)(ii) (Federal Register) CFR
	<b>Rating: Not Applicable</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span>

**Department of Education Findings:** *Chicopee does not have Targeted Assistance Schools.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 9</b>	There is evidence that students with special education needs are identified as eligible and selected for Title I services on the same basis as other children selected to receive services.  1115(b)(2)(A)(i); 200.63 (c)(3)(ii) (Federal Register) CFR
	<b>Rating: Not Applicable</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span>

**Department of Education Findings:**  
*Chicopee does not have Targeted Assistance Schools.*

CRITERION NUMBER	<b>TRANSITIONAL BILINGUAL EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT</b>		
	<b>Legal Standard</b>		
<b>TBE 3</b>	The October 1 school census report identifies all students whose: <ol style="list-style-type: none"> <li>a. first language is not English, and</li> <li>b. who are not able to perform ordinary class work in English.</li> </ol> G.L. c. 71A, sec. 2 and 603 CMR 19(03)		
	<b>Rating: Not Implemented</b>	<b>District Response Required:</b>	<b>Yes</b>

**Department of Education Findings:** *The district failed to document how many language groups are enrolled in Chicopee, how many students are in each group and how the district utilizes the data to respond to student needs.*

CRITERION NUMBER	<b>Legal Standard</b>		
<b>TBE 4</b>	<ol style="list-style-type: none"> <li>a. The school district shall establish procedures that use qualified staff and appropriate assessments to annually classify and evaluate each student considered for placement in Transitional Bilingual Education and to determine if the student is of limited English-speaking ability and is not able to perform ordinary class work in English.</li> <li>b. Such determination shall be placed in the student's school record.</li> <li>c. The parent or guardian of any student resident in the school district may request and receive such an evaluation of her or his child.</li> </ol> 603 CMR 14.02 and G.L. c.71A, 2		
	<b>Rating: Not Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>

**Department of Education Findings:** *Because Chicopee does not have a TBE program for the eligible language groups, TBE placement does not occur. The on-site team only found paperwork in student records that stated whether or not a student had been tested. The on-site team found that records were generally inconsistent, disorganized and difficult to read.*

CRITERION NUMBER	Legal Standard		
<p><b>TBE 5</b></p>	<p>Placement procedures of limited English-speaking students are implemented district-wide as follows:</p> <p>a) when the district has fewer than twenty students of limited English-speaking ability from a particular language classification, the students receive native language and English language instruction, English as a Second Language, or other curriculum offerings of a supportive nature as appropriate. G.L. c.76, Sec. 5 and 603 CMR 26.03(4)</p> <p>b) when there are twenty or more students of limited English-speaking ability from the same language classification within the district, then the students are placed in an appropriate (by age and language) full-time TBE program</p> <p>The Transitional Bilingual Education program is a full-time program of instruction that includes:</p> <p>a) all courses required by law and by the school district taught in English and in the native language;</p> <p>b) reading and writing taught in the native language;</p> <p>c) oral comprehension, speaking, reading, and writing in English;</p> <p>d) courses in the history and culture of the native land of the students' parents; and</p> <p>e) courses in the history and culture of the United States.</p> <p>G.L. c.71A, Sec. 1 and Sec. 2</p>		
	<p><b>Rating: Not Implemented</b></p>	<p><b>DISTRICT RESPONSE REQUIRED:</b></p>	<p><b>Yes</b></p>

*Department of Education Findings: Through interviews, the on-site team found that Chicopee offers some native language support and some ESL services to Limited English Proficient Students. But the native language instruction is inconsistent from school to school and in some cases the teacher hired as a native language teacher was providing instruction in only in English.*

*There is no established program model in the district for the provision of Transitional Bilingual instruction. There are no full-time bilingual programs offered, and there is only a small amount of native language support offered throughout the district. While Chicopee does have ESL teachers, the on-site team found that there are not enough ESL teachers for students. For example, the on-site team found that ESL teachers may be shared between two schools and have caseloads too high to provide adequate support.*

*Chicopee's inability to provide adequate documentation was problematic for this criterion. There was no information provided on language programs, which schools provided language support, and no forms to provide the on-site team with information displaying native language instructional time.*



### COMPONENT III: PARENTAL INVOLVEMENT

The criteria in this component examine whether the district has ensured that parents are notified, in the appropriate language, and are involved in decisions regarding their children's programs and services for the program areas listed below:

- Special Education (Report Issues # SE 24-32)
- Civil Rights Methods of Administration (MOA) (Report Issue # MOA 7)
  - Title I (Report Issues # TI 10-11B)
- Transitional Bilingual Education (Report Issue # TBE 8)

CRITERION NUMBER	SPECIAL EDUCATION III. PARENTAL INVOLVEMENT	
	Legal Standard	
SE 24	<p><b>Notice to parent regarding proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE</b></p> <ol style="list-style-type: none"> <li>1. A student may be referred for an evaluation by a parent or any person in a caregiving or professional position concerned with the student's development.</li> <li>2. When a student is referred for an evaluation to determine eligibility for special education, the school district sends written notice to the child's parent(s) within 5 school days of receipt of the referral.</li> <li>3. Notice is given by the district within a reasonable time for all other actions.</li> <li>4. The school district provides the student's parent(s) with an opportunity to consult with the Special Education Administrator or his/her designee to discuss the reasons for the referral and the nature of the proposed evaluation</li> <li>5. The district provides parents with an opportunity to consult with the Administrator of Special Education or his/her designee regarding the evaluators to be used and the proposed content of all required and optional assessments</li> <li>6. The school district does not limit a parent's right to refer a student for timely special education evaluation because the district has not fully explored and/or attempted some or all of the available instructional support programs or other interventions available in general education that may be described in the district's Curriculum Accommodation Plan, including any pre-referral program.</li> <li>7. The school district refuses to conduct an initial evaluation only when the circumstances of a student make clear that there is no suspicion of a disability and that there is no concern about the student's development.</li> </ol> <p><b>State Regulations</b> 28.04(1)</p> <p><b>Federal Requirements</b> 300.503(a)</p>	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

**Department of Education Findings:** *Through interviews, the on-site team found that the Student Assistance Team process (a school based, non-special education process) prevents timely referrals for special education evaluations where teachers or school district staff indicate concerns about a student.*

CRITERION NUMBER	SPECIAL EDUCATION III. PARENTAL INVOLVEMENT	
	Legal Standard	
SE 25	<p><b>Parental consent</b></p> <p>In accordance with state and federal law, the school district obtains informed parental consent as follows:</p> <ol style="list-style-type: none"> <li>1. The school district obtains written parental consent before conducting an initial evaluation or making an initial placement of a student in a special education</li> </ol>	





<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 26</b>	<p><b>Parent participation in meetings</b></p> <ol style="list-style-type: none"> <li>1. The district ensures that one or both parents of a child are members of any group that makes decisions on the educational placement of their child.</li> <li>2. The Administrator of Special Education notifies parent(s) in writing of any Team meeting early enough to ensure that they have an opportunity to attend.</li> <li>3. The district schedules the meeting at a mutually agreed upon time and place; and documents such efforts.</li> <li>4. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls, or video conferencing.</li> <li>5. In cases where the district, after reasonable efforts, is unable to obtain the parents' participation in Team meeting discussions and decisions, the district conducts the Team meeting and documents its attempts to facilitate the parents' participation.</li> </ol> <p><b>State Regulations</b> 28.02(22)</p> <p style="text-align: right;"><b>Federal Requirements</b> 300.345(d), 300.501</p>
	<p><b>Rating: Partially implemented</b></p> <p style="text-align: right;"><b>DISTRICT RESPONSE REQUIRED: YES</b></p>

**Department of Education Findings:** *In reviewing records, the on-site team found that notices for upcoming IEP Team meetings are not consistently sent to parents in a timely manner. For example the on-site team found notices that were mailed the Thursday before a Monday meeting thereby denying parents reasonable notice for such Team meetings.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 27</b>	<p><b>Content of Team meeting notice to parents</b></p> <ol style="list-style-type: none"> <li>1. The parent notice of an evaluation required by 603 CMR 28.04(1)(a) meets all of the content requirements set forth in MGL c.71B, §3, and in federal law and seeks the consent of the parent for any evaluation to occur, and provides the parent with the opportunity to express any concerns or provide information on the student's skills or abilities and to consult regarding the evaluators to be used.</li> <li>2. The parent notice of any Team meeting states the purpose, time and location of the meeting as well as who will be in attendance.</li> </ol> <p><b>State Regulations</b></p> <p style="text-align: right;"><b>Federal Requirements</b></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	28.04(b) <span style="float: right;">300.503-504</span>
	<b>Rating: Partially Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: Yes</b></span>

**Department of Education Findings:** *A review of records indicates that not all schools in Chicopee use the state mandated notice form and the required elements therein.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 28</b>	<p><b>Parent provided the IEP or notice of no eligibility together with notification of procedural safeguards and parents' rights</b>  Immediately following the development of the IEP and without undue delay, the district provides the parents with a copy of the proposed IEP or a written explanation of the finding of no eligibility for special education together with the required notice of procedural safeguards and parents' rights.</p> <p><b>State Regulations</b> <span style="float: right;"><b>Federal Requirements</b></span>  28.05(7) <span style="float: right;">300.345(f)</span></p>
	<b>Rating: Partially Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: Yes</b></span>

**Department of Education Findings:** *The on-site team found that notices to parents regarding school district action (or refusal to act) regarding a child's eligibility did not consistently include all required elements nor provide a narrative justifying the district's refusal of actions proposed by parents.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 29</b>	<p><b>Communications are in English and primary language of home</b>  1. Communications with parents 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</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>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 that all such communications are documented.</p> <p>2. If the district provides notices orally or in some other mode of communication that is not written language, the district keeps written documentation (1) that it has provided such notice in an alternate manner, (2) that the content of the notice and (3) the steps taken to ensure that the parent understands the content of the notice.</p> <p><b>State Regulations</b> 28.07(g)</p> <p><b>Federal Requirements</b> 300.345(e)</p>
	<p><b>Rating: Partially Implemented</b></p> <p style="text-align: center;"><b>DISTRICT RESPONSE REQUIRED:</b></p> <p style="text-align: right;"><b>Yes</b></p>

**Department of Education Findings:** *A review of records indicates that IEPs, correspondence and supporting documents are not consistently translated into the parent’s native language.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 30</b>	<p><b>Elements of notice of parents’ rights</b> The district’s notice of parental rights contains all required elements included in the most current version of the Massachusetts Parent’s Rights Brochure.</p> <p><b>State Regulations</b> MGL c. 71B, Sec. 3</p> <p><b>Federal Requirements</b> 300.503-504</p>
	<p><b>Rating: Implemented</b></p> <p style="text-align: center;"><b>DISTRICT RESPONSE REQUIRED:</b></p> <p style="text-align: right;"><b>No</b></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 31</b>	<p><b>State and district responsibility for educational surrogate parents</b> 1. When a student is without parental representation and requires an educational surrogate parent to be appointed in accordance with federal law and regulations,</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>upon request of the Department, the district responsible for services to the student assists in identifying a person willing to serve as an educational surrogate parent.</p> <ol style="list-style-type: none"> <li>2. Upon assignment by the Department, such educational surrogate parent has all the rights and responsibilities of a parent in making decisions regarding eligibility and services for special education for the assigned student. The Department provides notice of appointment to the school district and any state agency with custody of the student.</li> <li>3. A person identified by the district and willing to serve as an educational surrogate parent has no conflict of interest and is not in the employ of the school district or any state or local agencies involved with the care of the student .</li> <li>4. A person identified by the district, appointed by the Department, and serving as an educational surrogate parent does not receive financial remuneration from the district except that the school district reimburses the person for reasonable expenses related to the exercise of his or her responsibilities as an educational surrogate parent for a student enrolled in the district.</li> </ol> <p><b>State Regulations</b> 28.07(7)</p> <p style="text-align: right;"><b>Federal Requirements</b> 300.515</p>
	<p><b>Rating: Implemented</b></p> <p style="text-align: center;"><b>DISTRICT RESPONSE REQUIRED:</b></p> <p style="text-align: right;"><b>No</b></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 32</b>	<p><b>Parent advisory council for special education</b></p> <ol style="list-style-type: none"> <li>1. The school committee has established a parent advisory council on special education.</li> <li>2. Membership on the council is offered to all parents of children with disabilities and other interested parties.</li> <li>3. The parent advisory council duties include but are not limited to: advising the school committee on matters that pertain to the education and safety of students with disabilities; meeting regularly with school officials to participate in the planning, development, and evaluation of the school committee’s special education programs.</li> <li>4. The parent advisory council has established by-laws regarding officers and operational procedures.</li> <li>5. The parent advisory council receives assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff and resources.</li> <li>6. The school district conducts, in cooperation with the parent advisory council, at least one workshop annually within the district on the rights of students and their</li> </ol>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>parents and guardians under the state and federal special education laws and makes written materials explaining such rights available upon request.</p> <p><b>STATE REGULATIONS</b>                      <b>FEDERAL REQUIREMENTS</b></p> <p>Chapter 71B, sec. 1C; 28.07(4)</p>
	<p><b>Rating: Implemented</b>                      <b>DISTRICT RESPONSE REQUIRED:</b>                      <b>Yes</b></p>

**Department of Education Findings:** *At the time of the onsite visit, there was no functioning Special Education Parent Advisory Council. Despite the district’s efforts, Chicopee’s Special Education Director has had little success in finding parents interested in participating, so she has had to organize and conduct meetings, including the required meeting regarding parental rights. The Department requires the district to redouble its efforts to establish a viable special education parents advisory council in coming school year.*

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION III. PARENTAL INVOLVEMENT</b>
	<b>Legal Standard</b>
<b>MOA 7</b>	<p><b>General information and materials in languages other than English</b> When students have parents or guardians with limited English language skills, the following are published in language(s) other than English and disseminated to all relevant recipients: general announcements, counseling materials, notices of extracurricular activities, and information regarding school recruitment and promotional activities.</p> <p>Title VI; MGL, Ch.76, Section 5</p>
	<p><b>Rating: Partially Implemented</b>                      <b>District Response Required:</b>                      <b>Yes</b></p>

**Department of Education Findings:** *A review of documentation indicates that most announcements, counseling materials, extracurricular activities and notices regarding school recruitment and promotional activities are not provided to parents or students in languages other than English where required.*

CRITERION NUMBER	<b>TITLE 1 III. PARENTAL INVOLVEMENT</b>
	<b>Legal Standard</b>
<b>TI 10</b>	<p>The program demonstrates evidence of having met the following Title I requirements:</p> <ul style="list-style-type: none"> <li>• Parents are involved in writing, and have agreed upon, both the district’s and school’s written parental involvement policies;</li> <li>• plans/policies are developed which ensure that parents are involved in program planning, implementation and review;</li> <li>• parents are involved in a timely, organized, and ongoing manner in the planning, review, and improvement of programs;</li> <li>• parents are provided the following information in a timely manner: <ul style="list-style-type: none"> <li>- school performance profiles and their child’s individual assessment results and interpretation of those results;</li> <li>- a curriculum description and explanation, forms of assessment used, and expected proficiency levels;</li> <li>- opportunities for regular meetings;</li> <li>- and timely responses to parental suggestions</li> </ul> </li> <li>• parents are involved in School-Parent Compacts and annual assessment of the effectiveness of parent involvement; and</li> <li>• an annual Title I informational meeting is conducted for parents together with other pertinent meetings of interest to parents.</li> </ul> <p>1118 (a)-(e) ESEA, IASA</p>
	<p><b>Rating: Partially Implemented</b>                      <b>District Response Required: Yes</b></p>

**Department of Education Findings:** *The district has held parent training sessions such as “Bingo for Books” and “Effective Parenting,” which have been well attended and effectively engage Title I parents. These meetings enhance parents’ capability to help their children at home. In addition, an annual Title I meeting is convened to inform parents and to encourage them to use school-parent compacts. However, these parental training sessions/policies need to be revisited or strengthened to fully meet the requirements of Title I. The on-site team found the following areas that need improvement:*

- 1) *Parents are not consistently involved in district wide areas on program operation regarding student progress and academic achievement.*
- 2) *There are outdated written parent involvement policies.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>TI 11</b>	All policies and procedures regarding parental involvement are in writing and available and/or distributed to Title I parents in a language and form that they can

	understand. 1118 (f) ESEA,IASA		
	<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>

**Department of Education Findings:** *The on-site team found the written policy for parental involvement to be outdated. When the policy is revised it will need to be translated as necessary.*

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
<b>TI 11A</b>	The district provides materials and training to Title I parents to enable them to improve their children’s achievement. (e.g., curriculum descriptions; school performance profiles)  1118(e)(2)(A) and (B)		
	<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>

**Department of Education Findings:** *The on-site team found that Chicopee provides literacy nights, but does not offer district-wide training in mathematics.*

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
<b>TI 11B</b>	Parents of Title I students have equal opportunity to be represented on local School Councils.  The Education Reform Act of 1993		
	<b>Rating: Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>No</b>

<b>CRITERION NUMBER</b>	<b>TRANSITIONAL BILINGUAL EDUCATION III. PARENTAL INVOLVEMENT</b>	
	<b>Legal Standard</b>	
<b>TBE 8</b>	<p>Each school district required to provide Transitional Bilingual Education programs shall develop means for including parents or guardians of students participating in such programs in matters pertaining to their children’s education. This involvement may be through the development of a parent advisory council on Transitional Bilingual Education, through membership on a school-based council, or through other means determined by the district.</p> <p>603 CMR 14.03(1)</p>	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

**Department of Education Findings:** *Since most of the students in this school district go to their neighborhood school while they are in grades K-6, many of the bilingual parents are involved in their children’s day-to-day activities. While parents may be involved in activities, their participation in school programs are hindered as student handbooks and other school communications are not translated. The district was unable to document the provision of a district-wide bilingual council or PAC.*



#### COMPONENT IV: CURRICULUM AND INSTRUCTION

The criteria in this component examine whether the district holds all students to high expectations and standards and ensures that the program areas reviewed are designed to maximize student performance within regular education and are implemented according to specific regulatory requirements with respect to learning time, class size, staffing ratio, and age spans. The criteria also examine if the district has provided for coordination across the following program areas:

- Special Education (Report Issues # SE 33-42)
- Civil Rights Methods of Administration (MOA) (Report Issues MOA 8-9)
  - Title I (Report Issues # TI 12-14F)
- Transitional Bilingual Education (Report Issues # TBE 9-11)

CRITERION NUMBER	SPECIAL EDUCATION IV. CURRICULUM AND INSTRUCTION		
	Legal Standard		
SE 33	<p><b>Involvement in the general curriculum</b></p> <ol style="list-style-type: none"> <li>1. District personnel reflect a full understanding of the connection between the Massachusetts Curriculum Frameworks and the expectations of the state for student performance as well as the rights of students with disabilities to be full participants in the general curriculum.</li> <li>2. The district has either aligned its district curriculum with the Frameworks or has taken steps to provide students (including all students with disabilities) with essential learning opportunities that prepare the students to reach the state graduation standards.</li> <li>3. At least one member of all IEP Teams is familiar with the general curriculum and is able to discuss an eligible student's appropriate access to the general curriculum.</li> <li>4. In the IEP the district documents the student's participation in the general curriculum.</li> </ol> <p style="margin-left: 20px;">State Regulations 28.05(4)(a) and (b)</p> <p style="margin-left: 20px;">Federal Requirements 300.347(a)(1)(i); 300.137</p>		
	<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>

**Department of Education Findings:** *Through interviews the on-site team found that schools order different textbooks and that these textbooks are supposed to support the same curriculum for all students in Chicopee. Teachers and principals expressed concerns that students are receiving different instructional materials that result in gaps in a student's acquisition of the district's curriculum. Additionally, some student may go to four different schools (k-2, 3-5, 6-8 and 8-12) with each of the schools using different materials to address the same curriculum. At this point there is no district wide task force ensuring that all appropriate material is being taught to students within the Chicopee Public Schools.*

CRITERION NUMBER	Legal Standard		
SE 34	<p><b>Continuum of alternative services and placements</b></p> <p>The district provides or arranges for the provision of each of the elements of the IEPs of students in need of special education from the ages of three through twenty-one, ensuring that a continuum of services and alternative placements is available to meet the needs of all students with disabilities, and takes all steps necessary to ensure compliance with all elements of the IEPs, including vocational education.</p>		

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	State Regulations Federal Requirements 300.551;300.305; 300.123
	<b>Rating: Partially Implemented</b> <b>DISTRICT RESPONSE REQUIRED:</b> <b>Yes</b>

**Department of Education Findings:** *Through interviews, the on-site team determined that Chicopee has the capacity in its special education program to ensure that a continuum of services is being provided. As previously mentioned, most students at the elementary school level receive inadequate services through inclusion programs, and numerous staff expressed frustrated when more intensive services were required. At the middle and high school levels there is not a sufficient array of special education programs and staff to support the number of students the district has identified as needing such services.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 35</b>	<p><b>Specialized materials and assistive technology</b></p> <ol style="list-style-type: none"> <li>1. Specialized materials and equipment specified in IEPs are provided, are of good quality and are suitable for the role they play in the IEP.</li> <li>2. The school district provides evidence that assistive technology is considered for each eligible student and, if necessary, described in the IEP and provided by the district.</li> </ol> <p>State Regulations      Federal Requirements 34 CFR 300.308, 34 CFR 300.346</p>
	<b>Rating: Implemented</b> <b>DISTRICT RESPONSE REQUIRED:</b> <b>No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 36</b>	<p><b>IEP implementation, accountability and financial responsibility</b></p> <ol style="list-style-type: none"> <li>1. The district ensures that IEPs are implemented without delay upon parent consent.</li> <li>2. The district oversees in an ongoing manner the full implementation of each in-district and each out-of-district IEP it proposes which has been consented to by a child's parents.</li> <li>3. The district makes a good faith effort to assist the child to achieve the goals</li> </ol>

<b>CRITERION NUMBER</b>				
	<b>Legal Standard</b>			
	<p>and objectives or benchmarks listed in the IEP.</p> <p>4. The district provides all programs and services without expense to the child's parents.</p> <p>5. Each time the school district proposes to access the parent's private insurance proceeds to support the costs of IEP implementation, the school district obtains the parent's consent and informs the parents that their refusal to permit the school district to access their private insurance does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parents.</p>			
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Regulations 28.06(3)</td> <td style="width: 50%;">Federal Requirements 300.142; 300.350</td> </tr> </table>	State Regulations 28.06(3)	Federal Requirements 300.142; 300.350	
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	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>Rating: Not Implemented</b></td> <td style="width: 20%; text-align: center;"><b>DISTRICT RESPONSE REQUIRED:</b></td> <td style="width: 30%; text-align: center;"><b>Yes</b></td> </tr> </table>	<b>Rating: Not Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>
<b>Rating: Not Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>		

**Department of Education Findings:** *Due to the lack of central administrative oversight, there is no accountability as to whether or IEPs are implemented as proposed by the district and approved by parents.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 37</b>	<p><b>Procedures for approved and unapproved out-of-district placements</b></p> <ol style="list-style-type: none"> <li>1. <u>Individual student program oversight</u>: The school district monitors the provision of services to and the programs of individual students placed in public and private out-of-district programs. Documentation of monitoring plans and all actual monitoring are placed in the files of every eligible student who has been placed out-of-district. To the extent that this monitoring requires site visits, such site visits are documented and placed in the students' files for review. The duty to monitor out-of-district placements is not delegated to parents or their agents, to the Department of Education, or to the out-of-district placement.</li> <li>2. <u>Student right to full procedural protections</u>: The school district retains full responsibility for ensuring that the student is receiving all special education and related services in the student's IEP, as well as all procedural protections of law and regulation. Any Team meetings conducted during the time that a student is enrolled in the out-of-district program are initiated by the school district in coordination with the out-of-district placement.</li> <li>3. <u>Preference to approved programs</u>: The school district, in all circumstances, first seeks to place a student in a program approved by the Department pursuant to the requirements of 603 CMR 28.09. Preference is also given to approved programs located within the Commonwealth of Massachusetts if the choice of such program is consistent with the needs of the student and the choice of such</li> </ol>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>program complies with LRE requirements. When an approved program is available to provide the services on the IEP, the district makes such placement in the approved program in preference to any program not approved by the Department.</p> <p>4. <u>Written contracts</u>: At a minimum, the school district enters into written contracts with all public and private out-of-district placements. Such contracts meet the content requirements of 28.06(3)(f)(1-5).</p> <p>5. <u>Use of unapproved programs</u>: A school district that places a student in a program that has not been approved by the Department according to the requirements under 603 CMR 28.09 ensures that such programs and services are provided in appropriate settings by appropriately credentialed staff able to deliver the services on the student’s IEP. Students placed by the school district in such programs are entitled to the full protections of state and federal special education law and regulation.</p> <p>6. <u>Placement documentation</u>: The following documentation is maintained by the school district pursuant to its placement of children in unapproved out-of-district programs:</p> <ul style="list-style-type: none"> <li>a. <u>Search</u>: The Administrator of Special Education documents the search for and unavailability of a program approved by the Department. The Administrator places such documentation in the student record.</li> <li>b. <u>Evaluation of facility</u>: The Administrator of Special Education or his/her designee thoroughly evaluates the appropriateness of any unapproved facility prior to placement of the student in such program. Such evaluation determines whether the unapproved facility can appropriately implement the student’s IEP in a safe and educationally appropriate environment. Such evaluation additionally determines whether the unapproved facility can and will provide the student with all the rights that are accorded to the student under state and federal special education law. Such evaluation is documented in detail and placed in the student record for review. To the extent that this evaluation requires a site visit, such site visits are documented and placed in the student record for review. The duty to evaluate the appropriateness of any unapproved facility is not delegated to the parents or their agents or the proposed unapproved facility.</li> <li>c. <u>School district approval to operate a private school in Massachusetts</u>: If services in an unapproved program are provided in a school setting, the Administrator of Special Education ensures that such school has received approval from the local school committee under MGL c.76, §1 and a copy of such approval is retained in the student record.</li> <li>d. <u>Pricing</u>: Pursuant to the requirements for Compliance, Reporting and Auditing for Human and Social Services at 808 CMR 1.00, the Administrator obtains pricing forms required to set program prices for programs receiving publicly funded students. Such pricing</li> </ul>

<b>CRITERION NUMBER</b>					
	<b>Legal Standard</b>				
	<p>forms are completed by the proposed placement and document that the price proposed for the student’s tuition is the lowest price charged for similar services to any student in that program.</p> <p>e. <u>Notification of the Department of Education:</u> Prior to placement, if the Team determines that placement in such facility is appropriate, the Administrator notifies the Department of the intent to place the student and the name and location of the proposed placement. In addition, the Administrator forwards the notice of proposed placement and completed pricing forms to the Department along with the information on the proposed terms of the contract that will govern such placement and documentation of a monitoring plan pursuant to 603 CMR 28.06(3)(b). The district maintains any documentation of the Department’s objections to such placement and the steps the district has taken in regard to such objection. The district maintains documentation of the approved price for publicly funded students as set by the state agency responsible for setting program prices.</p> <p>f. <u>Out of state programs:</u> If out-of-district programs are provided in a placement outside of Massachusetts, and such school has not received approval by the Department under 603 CMR 28.09, the Administrator of Special Education ensures that such school has received approval from the host state.</p>				
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28.02(13), 28.06(3)	300.2(c)				
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<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>			

**Department of Education Findings:** *Through interviews the on-site team found that the district does not regularly monitor out-of-district placements to ensure that IEPs are being implemented. Like numerous other special education employees, the out-of-district coordinator is being underutilized and performs clerical duties rather than required programmatic oversight activities.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 38</b>	<p><b>Educational services in institutional settings (ESIS)</b>  <u>Department of Education responsibility:</u> In cases where the Department provides certain special education services to eligible students in certain facilities operated by or under contract with the Department of Mental Health, the Department of Youth Services, County Houses of Corrections, or the Department of Public Health, the Department retains the discretion to determine, based upon resources, the type and</p>



<b>CRITERION NUMBER</b>					
	<b>Legal Standard</b>				
	<p>to §28.05.</p> <p>c. The district provides or arranges for the provision of the special education and/or related services described by the child’s IEP and the district ensures that special education services funded with state or local funds are provided in a public school facility or other public or neutral site. When services are provided using only federal funds, services are provided on public or private school grounds.</p> <p>d. The district does not withdraw or withhold services from a child solely because the school district has met the spending requirements of federal law.</p> <p>3. Special education services and/or related services provided by the district to a private school child are comparable in quality, scope, and opportunity for participation to that provided to public school children with needs of equal importance.</p> <p>4. The district ensures that programs in which both public and private school children participate do not include classes that are separated on the basis of school enrollment or the religious affiliation of the children.</p>				
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<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>			

**Department of Education Findings:** *Through interviews the on-site team found that school based administrators and staff are unfamiliar with this requirements under this criterion. Chicopee relies heavily on a decentralized method of administration. The on-site team was repeatedly told that if a student is identified as eligible for publicly supported special education, he or she is required to leave the private school and attend a Chicopee Public Schools.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 40</b>	<p><b>Instructional grouping requirements for students aged five and older</b></p> <p>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.</p> <p>2. Instructional grouping size requirements are maximum sizes and the school district exercises judgment in determining appropriate group size and supports for smaller instructional groups serving students with complex special needs.</p> <p>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 eight (8) students with a certified special educator,</p>



<b>CRITERION NUMBER</b>					
	<b>Legal Standard</b>				
	<p>twelve (12) students if the certified special educator is assisted by one aide, and sixteen (16) students if the certified special educator is assisted by two aides.</p> <p>4. 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 district provides instructional groupings that do not exceed eight (8) students to one certified special educator or twelve (12) students to a certified special educator and an aide.</p> <p>5. After the school year has begun, if instructional groups have reached maximum size as delineated in paragraphs 3 and 4 of this criterion, the Administrator of Special Education 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 two additional students if the additional students have compatible instructional needs and then can receive services in their neighborhood school.</p> <p>6. 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.</p> <p>7. The district takes all steps necessary to reduce the instructional groups to the sizes outlined in paragraph 3 or 4 of this criterion for subsequent years. Such steps are documented by the district.</p>				
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<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>			

**Department of Education Findings:** *The on-site team found that the substantially separate program at Fairview Middle School has more than 12 students in the classroom.*

<b>CRITERION NUMBER</b>					
	<b>Legal Standard</b>				
<b>SE 41</b>	<p><b>Age span requirements</b> The ages of the youngest and oldest child in any instructional grouping do not differ by more than forty-eight months. A written request for approval of a wider age range is submitted to the Commissioner of Education in cases where the district believes it is justified. Such requests are implemented only after approval of the Department of Education.</p>				
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28.06(6)(f)					

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<b>Rating: Partially Implemented</b> <span style="margin-left: 150px;"><b>DISTRICT RESPONSE REQUIRED:</b></span> <span style="float: right;"><b>Yes</b></span>

**Department of Education Findings:** *At both Selser Elementary School and at Chicopee High School the onsite team found classrooms where the age span of the students is in excess of 48 months.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 42</b>	<p><b>Programs for young children three and four years of age</b></p> <p><u>General requirements:</u></p> <ol style="list-style-type: none"> <li>1. The school district ensures programs are available for eligible children three and four years of age. Such programs shall be developmentally appropriate and specially designed for children ages three and four years.</li> <li>2. Where at all possible the school district accepts referrals from the Department of Public Health, other agencies, and individuals for young children when or before the child turns two-and-one-half years old in order to ensure continuity of services and to ensure the development and implementation of an IEP for eligible children by the date of the child's third birthday in accordance with federal requirements.</li> <li>3. Where appropriate, the school district elects, consistent with federal requirements to use the format and services of the Individualized Family Service Plan (IFSP), if appropriate, for an additional year as a means of transitioning eligible children to public school services.</li> <li>4. Where appropriate the Team allows a child to remain in a program designed for three and four year old children for the duration of the school year in which the child turns five years old (including the summer following the date of the child's fifth birthday).</li> </ol> <p><u>Types of Settings:</u></p> <ol style="list-style-type: none"> <li>5. <u>Inclusionary programs</u> for young children are located in a setting that includes children with and without disabilities and meet the following standards: <ol style="list-style-type: none"> <li>a. Services in such programs are provided in the home, the public school, Head Start, or a licensed childcare setting.</li> <li>b. For public school programs that integrate children with and without disabilities, the class size does not exceed twenty (20) with one teacher and one aide and no more than five (5) students with disabilities. If the number of students with disabilities is six (6) or seven (7) then the class size does not exceed fifteen (15) students with one teacher and one aide.</li> </ol> </li> <li>6. <u>Substantially separate programs</u> for young children are located in a public school classroom or facility that serves primarily or solely children with disabilities.</li> </ol>

<b>CRITERION NUMBER</b>				
	<b>Legal Standard</b>			
	<p>Substantially separate programs adhere to the following standards:</p> <p>a. Substantially separate programs are programs in which more than 50% of the children have disabilities.</p> <p>b. Substantially separate programs operated by the district limit class sizes to nine (9) students with one teacher and one aide.</p>			
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<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>		

**Department of Education Findings:** *Interviews with parents indicates that Chicopee’s program for pre-school students does not always provide services as recommended by IEP Team members and written into a student’s IEP, but only provides services that are available.*

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION IV. CURRICULUM AND INSTRUCTION</b>		
	<b>Legal Standard</b>		
<b>MOA 8</b>	<p><b>Accessibility of extra curricular activities</b> Extra curricular activities sponsored by the district are non-discriminatory in that:</p> <p>X the school provides equal opportunity for male and female students to participate in intramural and interscholastic sports</p> <p>X extracurricular activities or clubs sponsored by the school do not exclude students on the basis of race, sex, color, religion, national origin, sexual orientation and disability.</p> <p>X Title II; Title IX ; S. 504; MGL, Ch.76, Section 5</p>		
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<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 9</b>	<p><b>Promotional, recruitment, and employment practices of prospective employers of students</b> The district ensures that promotional efforts and recruitment and employment practices and materials aimed at students, including career days, work study, cooperative work experience and apprenticeship training programs, are free of bias and discrimination by:</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	X depicting students from both sexes and under represented groups in all pictorial representations X making clear in written materials that all options are open to students regardless of race, color, sex, religion, national origin, sexual orientation or disability X requiring employers recruiting at the school to sign a statement that they do not discriminate in hiring or employment practices  Title I, Title VI, Title IX, S. 504, MGL, Ch.76, Section 5
	<b>Rating: Not Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: Yes</b></span>

**Department of Education Findings:** *Chicopee did not provide documentation of its compliance with this criterion.*

<b>CRITERION NUMBER</b>	<b>TITLE 1 IV. CURRICULUM AND INSTRUCTION</b>
	<b>Legal Standard</b>
<b>TI 12 - TAS</b>	Title I services provided to students are designed to assist the students to meet the expectations and standards of the regular education curriculum and of the state curriculum frameworks.  1115 (c)(1)(D) (ii) ESEA,IASA; 1001 (a)(1); 1001 (d)(1) ESEA,IASA
	<b>Rating: Not Applicable</b> <span style="float: right;"><b>District Response Required: No</b></span>

**Department of Education Findings:** *Chicopee does not have Targeted Assistance Schools.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 13 - TAS</b>	There is an established process for coordination and collaboration of Title I services with the instructional and assessment programs provided in regular education, special education, TBE/ESL, vocational education, early childhood (including Even Start and Head Start), and for the Homeless.  1112 (b)(4)(A-B); 1115 (c)(1)(E);1120(b)(a)ESEA,IASA

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<b>Rating: Not Applicable</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span>

**Department of Education Findings:** *Chicopee does not have Targeted Assistance Schools.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 14 - TAS</b>	Efforts are being made to minimize removing students from the regular classroom during school hours. Title I inclusion services are provided in a manner to accelerate learning and do not result in in-class pullout models.  1115(c)(1)(D)(iii) ESEA, IASA
	<b>Rating: Not Applicable</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span>

**Department of Education Findings:** *Chicopee does not have Targeted Assistance Schools.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 14A - TAS/SWP</b>	The school district provides opportunities for Title I students to participate in extended day/week/year programs and activities which may be funded through the integration of district resources.  1115(c)(1)(D)(i) ESEA, IASA
	<b>Rating: Commendable</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span>

**Department of Education Findings:** *Chicopee offers a multitude of opportunities for Title I students to participate in extended day, week, and year programs. These services greatly exceed the requirements of the Title I regulations. In addition, all programs consistently emphasize those specific academic skills that are necessary to succeed on the MCAS.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 14 - SWP</b>	<p>A comprehensive Schoolwide Programs (SWP) plan has been developed with involvement of community to be served and individuals who will carry out the plan, including:</p> <ul style="list-style-type: none"> <li>• teachers, principals and other staff, and where appropriate</li> <li>• pupil services personnel,</li> <li>• parents, and</li> <li>• secondary school students, if applicable.</li> </ul> <p>1114(b)(2)(C)(ii) ESEA,IASA; 200.6(e)(2)(ii)(Federal Register)(CFR)</p>
	<p><b>Rating: Partially Implemented</b>                      <b>DISTRICT RESPONSE REQUIRED:</b>                      <b>Yes</b></p>

**Department of Education Findings:** *Interviews with staff indicate that parents are not involved in the development of the Schoolwide Program plan.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 14A - SWP</b>	<p>The comprehensive SWP plan is in effect for the duration of the school’s participation and reviewed and revised, as necessary, by the school.</p> <p>1114(b)(2)(C)(iii) ESEA,IASA; 200.6(e)(3) and (4)(Federal Register)(CFR)</p>
	<p><b>Rating: Implemented</b>                                      <b>DISTRICT RESPONSE REQUIRED:</b>                                      <b>No</b></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 14B - SWP</b>	<p>The SWP plan includes a comprehensive needs assessment of the entire school that is based on information on the performance of children in relation to the State content standards and the State student performance standards.</p> <p>1114(b)(1)(A) ESEA, IASA; 200.6(d)(1)(i)(Federal Register)(CFR)</p>
	<p><b>Rating: Partially Implemented</b>                                      <b>DISTRICT RESPONSE REQUIRED:</b>                                      <b>Yes</b></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<b>REQUIRED:</b>

**Department of Education Findings:** *Staff interviews did not document that a comprehensive needs assessment is conducted annually in all Schoolwide schools.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 14C - SWP</b>	The SWP plan includes reform strategies that provide opportunities for all children to meet the State’s proficient and advanced levels of student performance.  1114(b)(1)(B)(i) ESEA, IASA; 200.6(d)(2)(i) (Federal Register (CFR))
	<b>Rating: Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 14D - SWP</b>	The district acts to fully implement its assurance that it provides technical assistance and support to schoolwide programs and works in consultation with these programs as they develop and implement such plans.  1112(c)(1)(B) and (C) ESEA, IASA
	<b>Rating: Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 14E - SWP</b>	In providing technical assistance and support to schoolwide programs, the district ensures that the programs and plans contain all required schoolwide components and plan requirements.

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	1112(c)(1)(B); 1114(b)(1) and (2) (Federal Register)(CFR)
	<b>Rating: Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>T1 14F - SWP</b>	The schoolwide plan is made available to school district staff, parents, and the public, and the information contained in such plan is translated, to the extent feasible, into any languages that a significant percentage of parents of participating children in the school speak as their primary language.  1114(b)(2)(C)(iv) ESEA, IASA; 200.6(e)(2)(iii) and (iv) (Federal Register)(CFR)
	<b>Rating: Partially Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: Yes</b></span>

**Department of Education Findings:** *The Schoolwide Program plan is not translated into languages other than English.*

<b>CRITERION NUMBER</b>	<b>TRANSITIONAL BILINGUAL EDUCATION IV. CURRICULUM AND INSTRUCTION</b>
	<b>Legal Standard</b>
<b>TBE 9</b>	Upon placement in the TBE program, a notice is mailed to the parents in the following manner: <ul style="list-style-type: none"> <li>(i) not later than ten days after each student's enrollment;</li> <li>(ii) containing a simple, non-technical explanation of TBE;</li> <li>(iii) written in the primary/home language as well as in English;</li> <li>(iv) stating the parent's right to visit the TBE program;</li> <li>(v) stating the parent's right to withdraw the child; and</li> <li>(vi) stating the parent's right to a conference to discuss the TBE program.</li> </ul> G.L. c.71A, Sec. 2 and Sec. 5
	<b>Rating: Partially Implemented</b> <span style="float: right;"><b>District Response Required: Yes</b></span>



**Department of Education Findings:**

*While Chicopee does have a TBE manual with forms, the onsite team found numerous problems with these materials. There is no tracking system to ensure that students are receiving forms in a timely basis or that students are receiving appropriate forms at all. For example, the on-site team found a family whose native language was Chinese had received forms in Spanish. As Chicopee redesigns its TBE program, its TBE forms and record keeping process will have to be reexamined to ensure that Chicopee can ensure that procedural safeguards described under this criterion are met.*

<b>CRITERION NUMBER</b>				
	<b>Legal Standard</b>			
<b>TBE 10</b>	TBE students participate fully with their English-speaking contemporaries and are provided support in the regular public school classes for courses such as, but not limited to art, music, and physical education. G.L. c.71A, §			
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<b>Rating: Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>No</b>		

**Department of Education Findings:**

*As a formalized TBE program does not exist in Chicopee, it stands to reason that Limited English Proficient students are expected by the district to participate with other students in the regular education classroom. Most of the schools offer native language support (not instruction) with the use of TBE teachers and aides. Unfortunately, not all language groups represented in the district are offered services. In some schools, bilingual support is offered in lower grades, K-2, but not in grades 3-5. There are only 5 TBE teachers in the system with additional aides to supplement these instructional services. In some cases, native language support is provided in the mainstream classroom and in other cases there is a pull-out model.*

<b>CRITERION NUMBER</b>				
	<b>Legal Standard</b>			
<b>TBE 11</b>	The age span in any Transitional Bilingual Education class shall be no more than four years from the eldest to the youngest student, except that (1) the age span in any Transitional Bilingual Education kindergarten class shall be no more than three years and (2) the age span in any class in grades 9-12 shall be no more than five years. G.L. c.71A, § and 603 CMR 14.05			
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<b>Rating: Not Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>		

**Department of Education Findings:** *Standards under this criterion could not be documented as implemented due to the current model of TBE operated by the district.*

## COMPONENT V: STUDENT SUPPORT SERVICES

The criteria in this component examine whether the district has ensured that all students have equal opportunity and access to programs or services in the program areas listed below:

- Special Education (Report Issues # SE 43-49A)
- Civil Rights Methods of Administration (MOA)  
(Report Issues MOA 10 –17A)
  - Title I (Report Issues # TI 15-18)
- Transitional Bilingual Education (Report Issues # TBE 12-13)

CRITERION NUMBER	SPECIAL EDUCATION V. STUDENT SUPPORT SERVICES		
	Legal Standard		
SE 43	<p><b>Behavioral interventions</b> For a student whose behavior impedes their learning or the learning of others, the Team considers the student’s behavior including positive behavioral interventions, ability to follow school discipline codes, any needed code modifications and the possible need for a functional behavioral assessment.</p>		
	<b>State Regulations</b>	<b>Federal Requirements</b> 300.346	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>	

**Department of Education Findings:** *Based on a review of records and staff interviews, the on-site team found that Chicopee consistently over identifies students with emotional disabilities and then provides behavioral interventions through special education. Additionally, the on-site team has concerns about Chicopee’s school attendance policy at the secondary level. The attendance policy does not excuse any absences and that after a certain number of absences a student can not pass his or her coursework for the academic year. This practice stands in contrast to the district’s policy whereby it states that it does make accommodations for students with disabilities based on requirements of Section 504 of the Rehabilitation Act of 1973. However, in reviewing the records, the on-site team found no students who were receiving a modified attendance policy.*

CRITERION NUMBER			
	Legal Standard		
SE 44	<p><b>Procedure for recording suspensions</b> The district has a procedure to record the number and duration of suspensions, including any suspensions from any part of the student’s IEP program (including transportation).</p>		
	<b>State Regulations</b>	<b>Federal Requirements</b> 300.121(d)(2)	
	<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>

**Department of Education Findings:** *Through a review of documentation the on-site team found that Chicopee does not keep track of suspensions that remove a student from part of his or her IEP program. As a result of these removals, IEP services are not being provided as required by the law. The on-site team also found that a similar problem occurs when a student receives bus suspensions and transportation services are necessary for the student to benefit from the student’s IEP.*

CRITERION NUMBER			
	Legal Standard		
SE 45	<p><b>Procedures for suspension up to 10 days and after 10 days: General requirements</b></p> <ol style="list-style-type: none"> <li>1. All students, including eligible students with disabilities, receive prior written notice regarding the school’s Code of Conduct.</li> <li>2. The school’s Code of Conduct includes required procedural safeguards such as opportunity for a hearing (per Goss v. Lopez).</li> <li>3. Any eligible student may be suspended up to 10 days in any school year without implementation of procedures described in criterion SE 46 below.</li> <li>4. 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.</li> <li>5. The school 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.</li> </ol> <p><b>State Regulation</b> MGL c. 76, sec. 16-18 Chapter 71, section 37 H</p> <p><b>Federal Requirements</b> 300.519-300.529</p>		
	<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>

**Department of Education Findings:** *Through the document review process and interviews, the on-site team found that not all schools provide a due process hearing prior to suspending a student for more than 10 days. Additionally, some of the handbooks are outdated regarding discipline procedures—especially for students who have identified disabilities.*

CRITERION NUMBER			
	Legal Standard		
SE 46	<p><b>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</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Prior to a suspension that constitutes a change in placement of a student with disabilities, the Team convenes <ol style="list-style-type: none"> <li>a. to develop or review a functional behavioral assessment of the</li> </ol> </li> </ol>		

CRITERION NUMBER			
	<b>Legal Standard</b>		
	<p>student’s behavior to modify a behavior intervention plan or develop an assessment plan;</p> <p>b. to identify appropriate alternative educational setting(s); and</p> <p>c. to determine the relationship between the disability and the behavior - “a manifestation decision” (Is IEP appropriate? Is placement appropriate? If there was a behavior plan, was it implemented? Does student understand impact and consequences of his/her behavior? Can student control behavior?).</p> <p>3. If the Team determines that the behavior is <u>NOT</u> a manifestation of the disability, then the district may suspend or expel the student consistent with policies applied to any student without disabilities, except that the district must still offer an appropriate education program to the student with disabilities which may be in some other setting.</p> <p>4. Regardless of the manifestation determination, the district may place the student in an interim alternative educational setting (as determined by the Team) for up to 45 days</p> <p>a. if the behavior involves weapons or illegal drugs or another controlled substance while at school or a school function; or</p> <p>b. if the district provides evidence that the student is “substantially likely” to injure him/herself or others and a hearing officer orders the alternative placement; and</p> <p>c. the interim alternative education setting enables the student to continue in the general curriculum, to continue receiving services identified on the IEP, and provides services to address the problem behavior.</p> <p>5. If the Team determines that the behavior <u>IS</u> a manifestation of the disability, then the district takes steps (with the consent of the parent) to correct the IEP, the placement, or the behavior intervention plan and does not suspend the student again during the school year.</p> <p>6. The school district provides written notice to the parent of all rights to appeal and to an expedited hearing. If the parent chooses to appeal, during the appeal the student stays put in the placement on the last accepted IEP or the interim alternative placement, unless the parent and the school district agree otherwise.</p> <p><b>State Regulations</b> <span style="float: right;"><b>Federal Requirements</b> 300.519-300.528</span></p>		
	<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>

**Department of Education Findings:** *Through both the record review process and through interviews, the on-site team found this criterion to be inconsistently applied. When conducting manifestation determinations, the IEP teams did not have all assessments up to date—especially for students identified with emotional disabilities. By not having current assessments for the student, the likelihood of making a proper determination as to whether a student’s behavior is a manifestation of*

*the child's disability is questionable.*

CRITERION NUMBER			
	Legal Standard		
<p><b>SE 47</b></p>	<p><b>Procedural requirements applied to students not yet determined to be eligible for special education</b></p> <ol style="list-style-type: none"> <li>1. If, prior to the disciplinary action, a district had knowledge that the student may be a student with a disability, then the district makes all protections available to the student until and unless the student is subsequently determined not to be eligible. The district may be considered to have prior knowledge if:               <ol style="list-style-type: none"> <li>a. The parent had expressed concern in writing; or</li> <li>b. The parent had requested an evaluation; or</li> <li>c. School district staff had expressed concern that the student had a disability.</li> </ol> </li> <li>2. If the district had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the district must have procedures to conduct an expedited evaluation to determine eligibility. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.</li> <li>3. The school district has developed procedures consistent with federal requirements to expedite evaluations.</li> </ol> <p><b>State Regulations</b></p>		
		<p><b>Federal Requirements</b> 20 U.S.C. Chapter 33, Section 1415(k)</p>	
	<p><b>Rating: Partially Implemented</b></p>	<p><b>DISTRICT RESPONSE REQUIRED:</b></p>	<p><b>Yes</b></p>

**Department of Education Findings:** *Through interviews, the on-site team found that staff do not fully understand district responsibilities under this criterion.*

CRITERION NUMBER			
	Legal Standard		
<p><b>SE 48</b></p>	<p><b>FAPE (Free, appropriate, public education): Equal opportunity to participate in educational, nonacademic, extracurricular and ancillary programs, as well as participation in regular education</b></p> <p>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 school.</p>		

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>Programs, services and activities include, but are not limited to:</p> <ol style="list-style-type: none"> <li>1. art and music</li> <li>2. vocational education, industrial arts, and consumer and homemaking education</li> <li>3. work study and employment opportunities</li> <li>4. counseling services</li> <li>5. health services</li> <li>6. transportation</li> <li>7. recess and physical education, including adapted physical education</li> <li>8. athletics and recreational activities</li> <li>9. school-sponsored groups or clubs</li> <li>10. meals</li> </ol> <p><b>State Regulations</b> 28.06(5)</p> <p><b>Federal Requirements</b> 300.121; 300.300-313</p>
	<p><b>Rating: Partially Implemented</b></p> <p style="text-align: center;"><b>DISTRICT RESPONSE REQUIRED:</b></p> <p style="text-align: right;"><b>Yes</b></p>

**Department of Education Findings:** *As stated previously in the report, students who attend the Horizon School do not have access to vocational programs and other programs offered at the high school level.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 49</b>	<p><b>Related services</b></p> <p>For each student with special education needs found to require related services, the school district provides or arranges for the provision of transportation and such developmental, corrective, and other supportive services as are required to assist a student to benefit from special education or to access the general curriculum, and includes:</p> <ol style="list-style-type: none"> <li>1. speech-language pathology and audiology services</li> <li>2. psychological services</li> <li>3. physical therapy</li> <li>4. occupational therapy</li> <li>5. recreation, including therapeutic recreation</li> <li>6. early identification and assessment of disabilities in children</li> <li>7. counseling services, including rehabilitation counseling</li> <li>8. orientation and mobility services (peripatology)</li> <li>9. medical services for diagnostic or evaluation purposes</li> <li>10. school health services</li> <li>11. social work services in schools, and</li> <li>12. parent counseling and training.</li> </ol>

<b>CRITERION NUMBER</b>				
	<b>Legal Standard</b>			
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><b>State Regulations</b> 28.02(19)</td> <td style="width: 50%; border: none;"><b>Federal Requirements</b> 300.24</td> </tr> </table>	<b>State Regulations</b> 28.02(19)	<b>Federal Requirements</b> 300.24	
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<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Ye</b>		

**Department of Education Findings:** *Through interviews, the on-site team found that there is a lack of speech and language providers and that the outside counseling services contracted by the district are not being effectively used to meet student needs, especially at Chicopee High School.*

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
<b>SE 49A</b>	<p><b>Special Transportation</b></p> <p>If the IEP specifies that the student’s disability requires transportation or specialized transportation arrangements in order to benefit from special education, the district implements these provisions of the student’s IEP.</p> <ol style="list-style-type: none"> <li>1. The Team determines necessary modifications, special equipment, assistance, need for qualified attendants on vehicles, and any particular precautions required by the student and documents such determinations in the student's IEP. If specialized arrangements can be provided on regular transportation vehicles, the school district makes such arrangements.</li> <li>2. The district arranges to have eligible students who use wheelchairs transported in vehicles that do not require such children to be removed from their wheelchairs in order to enter or leave the vehicles; provided, however, that this requirement is not applicable where a Team or the student’s physician recommends that the student regularly transfer in and out of conventional vehicles to or from a wheelchair for therapeutic or for independence training reasons.</li> <li>3. The Team specifies whether the student requires assistance in or out of the home, on or off of the vehicle, and in or out of the school. If such assistance is specified, the district ensures that it is provided.</li> <li>4. The Team specifies if the student has a particular need or problem that may cause difficulties during transportation, such as seizures, a tendency for motion sickness, behavioral concerns, or communication disabilities.</li> <li>5. The school district does not allow transportation considerations to influence, modify, or determine the educational program, including the length of the school day, required by any student.</li> </ol> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><b>State Regulations</b> 28.05(5)(b)</td> <td style="width: 50%; border: none;"><b>Federal Requirements</b></td> </tr> </table>	<b>State Regulations</b> 28.05(5)(b)	<b>Federal Requirements</b>
<b>State Regulations</b> 28.05(5)(b)	<b>Federal Requirements</b>		



<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<b>Rating: Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION V. STUDENT SUPPORT SERVICES</b>
	<b>Legal Standard</b>
<b>MOA 10</b>	<p><b>Notification of school district staff and the general public</b> At the beginning of each school year, students, parents, employees, and the general public are:</p> <ul style="list-style-type: none"> <li>X notified that all programs, activities and employment opportunities are offered without regard to race, color, sex, religion, national origin, sexual orientation and disability</li> <li>X given the name(s), address(es) and telephone number(s) of Title VI, Title IX and Section 504 coordinator(s)</li> </ul> <p>Title VI; Title IX; S. 504; MGL, Ch.76, Section 5</p>
	<b>Rating: Partially Implemented</b> <span style="float: right;"><b>District Response Required: Yes</b></span>

**Department of Education Findings:** *Based on documentation received, the only document that is distributed system-wide is Chicopee’s Code of Conduct. The Code of Conduct does identify the person who is to be contacted regarding Title IX issues, but does not notify the community of Chicopee’s non-discriminatory statement, nor does it provide the names, addresses and telephone numbers of Chicopee’s Title VI and Section 504 coordinator.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 11</b>	<p><b>Publication of notices of non-discrimination</b> All publications for students, parents and employees, including written materials and other media used to publicize a school, specifically affirm that the school does not discriminate on the basis of race, color, sex, religion, national origin, sexual orientation or disability.</p> <p>Title VI; Title IX; Section 504; MGL, Ch.76, Section 5</p>
	<b>Rating: Partially Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: Yes</b></span>

**Department of Education Findings:** *The on-site team found that not all handbooks contain a non-discrimination statement as required under this criterion.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 12</b>	<p><b>Grievance procedures</b>  Written grievance procedures for students and for employees covering Title VI (race, national origin), Title IX (sex equity), and Section 504 (disability) have been adopted and published, and a grievance process is in place that provides prompt and equitable resolution.</p> <p>Title II, Title VI, Title IX, S. 504</p>
	<p><b>Rating: Partially Implemented</b>                      <b>DISTRICT RESPONSE REQUIRED:</b>                      <b>Yes</b></p>

**Department of Education Findings:** *The on-site team found that Chicopee has grievance procedures in its code of discipline for sexual harassment, but does not have a policy to address grievances based on race, national origin or disability.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 13</b>	<p><b>Availability of information to prospective occupational/vocational students</b>  All students in grades 7-9, including those in special education and English as a second language programs, receive counseling and information on the full range of general curricular and any occupational/vocational opportunities available to them.</p> <p>Title VI, Title IX, S. 504</p>
	<p><b>Rating: Partially Implemented</b>                      <b>DISTRICT RESPONSE REQUIRED:</b>                      <b>Yes</b></p>

**Department of Education Findings:** *While students are counseled regarding occupational/vocational options, there is no information in the documentation provided by the district on the methods by which Chicopee modifies this information for students with disabilities or for Limited English Proficient Students.*

CRITERION NUMBER			
	Legal Standard		
<b>MOA 14</b>	<p><b>Counseling materials and activities free from bias and stereotypes</b>            To ensure that materials and activities are free from bias and stereotypes on the basis of race, color, sex, religion, national origin, sexual orientation or disability, all counselors:</p> <ul style="list-style-type: none"> <li>X encourage students to consider programs of study, courses, extracurricular activities, and occupational opportunities on the basis of individual interests, abilities, and skills</li> <li>X examine testing materials for bias and counteract any found bias when administering and interpreting test results</li> <li>X communicate effectively with limited English-proficient and disabled students and facilitate their access to all programs and services offered by the district</li> <li>X support students in non-traditional educational and occupational pursuits for their gender</li> </ul> <p>Title II, Title VI; Title IX; S. 504; MGL, Ch.76, Section 5</p>		
	<b>Rating: Not Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>

**Department of Education Findings:** *Chicopee did not provide appropriate documentation for this criterion. Chicopee provided the on-site team with a list of training activities teachers and paraprofessionals attended. However, the documentation did not address how Chicopee as a district provides counseling to students in a non-discriminatory way that allows all students to make choices about their academic and post-academic future.*

CRITERION NUMBER			
	Legal Standard		
<b>MOA 15</b>	<p><b>Non-discriminatory administration of scholarships, prizes and athletic awards</b>            Scholarships, prizes and athletic awards sponsored or administered by the district are free of restrictions based upon race, color, sex, religion, national origin, sexual orientation or disability with the following exceptions:</p> <ul style="list-style-type: none"> <li>X when making athletic awards to members of single sex teams, awards are in proportion to the number of students of each gender participating in interscholastic competition</li> <li>X when accepting outside assistance (i.e. wills, trusts) for awards that would discriminate, the district provides an alternative source of funding to erase the discriminatory effect</li> </ul> <p>Title VI; Title IX; S. 504; MGL, Ch.76, Section 5</p>		

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<b>Rating: Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 16</b>	<p><b>Notice to students who have left or are about to leave school without a high school diploma</b></p> <p>The district provides timely notice in writing (in English and the student’s native language with a copy to parents) to students age 16-21 who have left or are about to leave school without obtaining a high school diploma or its equivalent and which includes the following information:</p> <ul style="list-style-type: none"> <li>a. their attendance is voluntary;</li> <li>b. their right to meet with a school representative to discuss the reasons for withdrawal;</li> <li>c. their rights to return to school; and</li> <li>d. all program options available to them.</li> </ul> <p>MGL, Ch. 76, S.18</p>
	<b>Rating: Not Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: Yes</b></span>

**Department of Education Findings:** *The on-site team was not provided with documentation to demonstrate the district’s compliance with requirements under this criterion.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 17</b>	<p><b>Codes of conduct and student handbooks</b></p> <ol style="list-style-type: none"> <li>1. All school and district codes of conduct and student handbooks contain a nondiscrimination policy based on race, color, sex, religion, national origin, sexual orientation and disability.</li> <li>2. The district has complaint resolution procedures that include the disciplinary measures that may be imposed upon students who harass or discriminate.</li> </ol>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>3. The principal of each school ensures that the district and school codes of conduct are distributed annually to students, parents and school personnel.</p> <p>Title VI, Title IX, Section 504, MGL, Ch.76, Section 5</p>
	<p><b>Rating: Partially Implemented</b>                      <b>DISTRICT RESPONSE REQUIRED:</b>                      <b>Yes</b></p>

**Department of Education Findings:** *The on-site team found that not all handbooks contain a non-discrimination statement, nor do they contain grievance procedures based on race or disability.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 17A</b>	<p><b>Use of physical restraint on any student enrolled in a publicly funded education program</b></p> <ol style="list-style-type: none"> <li>1. The district has developed and implemented staff training at least annually on the use of restraint consistent with regulatory requirements.</li> <li>2. The district administers physical restraint on students only when needed to protect a student and/or a member of the school community from imminent, serious, physical harm. The district implements restraint procedures consistent with Department of Education regulations in order to prevent or minimize any harm to the student as a result of the use of physical restraint.</li> <li>3. The district has developed written procedures regarding appropriate responses to student behavior that may require immediate intervention. Such procedures are annually reviewed and provided to school staff and made available to parents of enrolled students.</li> <li>4. The district has developed and implemented reporting requirements and procedures for administrators, parents and the Department of Education consistent with the regulations.</li> <li>5. The district has developed and implemented any applicable individual waiver procedures consistent with the regulations.</li> </ol> <p>603 CMR 46.00</p>
	<p><b>Rating: Implemented</b>                      <b>DISTRICT RESPONSE REQUIRED:</b>                      <b>Yes</b></p>

**Department of Education Findings:** *While district documentation for this criterion would suggest that Chicopee has implemented this criterion, because of the decentralized nature of the Chicopee Public Schools, the on-site team believes it is important to continue to monitor this criterion during the 2002-2003 school year to ensure consistent compliance with these requirements across the*

*district.*

CRITERION NUMBER	TITLE 1 V. STUDENT SUPPORT SERVICES
	<b>Legal Standard</b>
<b>TI 15</b>	<p>The program design serves to supplement, not supplant:</p> <ul style="list-style-type: none"> <li>• regular education</li> <li>• special education</li> <li>• transitional bilingual education</li> <li>• services for low incidence limited-English proficient students.</li> </ul> <p>200.63 (Federal Register) CFR; 1115 (b)(2)(ii) ESEA, IASA</p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span></p>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>TI 16</b>	<p>Representatives from non-public school and/or Neglected or Delinquent (N or D) facilities are consulted and informed about the availability of Title I services and the priority needs of their schools.</p> <p>200.10 (a) (Federal Register) CFR</p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span></p>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>TI 17</b>	<p>The Title I services provided in non-public schools and N or D facilities are equivalent to those provided in public schools and minimize the use of pull-out program models.</p> <p>1120(a), 200.10 (a) (Federal Register) CFR; 200.11(b) (Federal Register) CFR</p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span></p>

<b>CRITERION NUMBER</b>				
	<b>Legal Standard</b>			
<b>TI 18</b>	<p>Additional assistance is provided through teacher-parent conferences for any students not meeting the standards to discuss:</p> <ul style="list-style-type: none"> <li>• what the school will do to help the student meet the standards;</li> <li>• what the family can do to help the student improve performance; and</li> <li>• additional assistance for the student at the school or elsewhere in the community.</li> </ul> <p>1114(b)(1)(H)(iii)</p>			
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>Rating: Implemented</b></td> <td style="width: 20%; text-align: center;"><b>DISTRICT RESPONSE REQUIRED:</b></td> <td style="width: 30%; text-align: right;"><b>No</b></td> </tr> </table>	<b>Rating: Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>No</b>
<b>Rating: Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>No</b>		

<b>CRITERION NUMBER</b>	<b>TRANSITIONAL BILINGUAL EDUCATION V. STUDENT SUPPORT SERVICES</b>			
	<b>Legal Standard</b>			
<b>TBE 12</b>	<p>The school district shall ensure that limited-English speaking students have equal access to the educational services and extracurricular activities available to other students in the school district.</p> <p>603 CMR 14.06; 603 CMR 26.08(1) G.L. c.71A, §; G.L. c.76, §; 603 CMR 26.06(1) and 26.08(1)</p>			
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>Rating: Partially Implemented</b></td> <td style="width: 20%; text-align: center;"><b>District Response Required:</b></td> <td style="width: 30%; text-align: right;"><b>Yes</b></td> </tr> </table>	<b>Rating: Partially Implemented</b>	<b>District Response Required:</b>	<b>Yes</b>
<b>Rating: Partially Implemented</b>	<b>District Response Required:</b>	<b>Yes</b>		

**Department of Education Findings:** *Through interviews, the on-site team determined that the district does not provide sufficient academic support for English Language Learners in order for them to succeed in vocational programs at the high school level. Evidence of this ranged from a lack of documentation regarding career planning to a lack of native language aides. With regard to Special Education services, the on-site team has identified flaws in the identification process for Limited English Proficient students (see SE 1) which prompts an over identification of linguistic minority who are inappropriately placed in special education students.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TBE 13</b>	<p>All students, including bilingual students, are notified in their primary language of the provisions of G.L.c.76, § (Place of Attendance; Anti-Discrimination) and 603</p>

<b>CRITERION NUMBER</b>				
	<b>Legal Standard</b>			
	CMR 26.00 (C.622). In addition, all students enrolled in TBE programs are notified in their primary language of the provisions of the Student Record Regulations. 603 CMR 23.00. 603 CMR 26.08(5)			
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>Rating: Partially Implemented</b></td> <td style="width: 30%; text-align: center;"><b>DISTRICT RESPONSE REQUIRED:</b></td> <td style="width: 20%; text-align: right;"><b>Yes</b></td> </tr> </table>	<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>
<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>		

**Department of Education Findings:** *While the on-site team was provided a translated version of Chicopee’s code of discipline into Russian and Spanish (but not Polish or Ukraine), the on-site team was unable to ascertain how this information was disseminated to students and their parents. Additionally, the on-site team did not find evidence that information regarding the student record regulations was provided to parents or students in their native language.*



## COMPONENT VI: FACULTY, STAFF AND ADMINISTRATION

The criteria in this component examine whether the district has certified staff, provides supervision of aides and tutors, and provides ongoing professional development in the program areas listed below. Additionally, the component examines whether the district implements an effective system of program leadership and oversight which fosters high standards and performance expectations for all students and staff consistent with the goals of applicable federal and state requirements and Education Reform Act of 1993.

:

- Special Education (Report Issues # SE 50-54)
- Civil Rights Methods of Administration (MOA) (Report Issues MOA 18-21)
  - Title I (Report Issues # TI 19-23)
- Transitional Bilingual Education (Report Issues # TBE 15-17)

CRITERION NUMBER	SPECIAL EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION
	<b>Legal Standard</b>
SE 50	<p><b>Responsibilities of the School Principal and Administrator of Special Education Principal:</b></p> <ol style="list-style-type: none"> <li data-bbox="407 478 1411 976">1. <u>Instructional support.</u> The principal in each of the district's schools promotes instructional practices responsive to student needs and ensures that adequate instructional support is available for students and teachers. Instructional support includes remedial instruction for students, consultative services for teachers, availability of reading instruction at the elementary level, appropriate services for linguistic minority students, and other services consistent with effective educational practices and the requirements of MGL c. 71B, §2. The principal consults with the Administrator of Special Education regarding accommodations and interventions for students. Such efforts and their results are documented and placed in the student record. Additionally, when an individual student is referred for an evaluation to determine eligibility for special education, the principal ensures that documentation on the use of instructional support services for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility.</li> <li data-bbox="407 982 1411 1514">2. <u>Curriculum Accommodation Plan.</u> The principal implements a curriculum accommodation plan adopted by the district to ensure that all efforts have been made to meet the needs of diverse learners in the general education program. The plan assists the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the regular education program including, but not limited to, direct and systemic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning. The Plan includes teacher training in (1) analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the regular classroom of students with diverse learning styles; (2) methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate such styles; and (3) training in the provision of pre-referral services within regular education, teacher mentoring and collaboration and parental involvement.</li> <li data-bbox="407 1520 1411 1612">3. <u>Coordination with special education.</u> The principal with the assistance of the Administrator of Special Education coordinates the delivery and supervision of special education services within each school building.</li> <li data-bbox="407 1619 1411 1879">4. <u>Educational services in home or hospital.</u> Upon receipt of a physician's written order verifying that any student enrolled in a public school or placed by the public school in a private setting must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the principal arranges for provision of educational services in the home or hospital. Such services are provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services</li> </ol>

CRITERION NUMBER	<b>SPECIAL EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION</b>	
	<b>Legal Standard</b>	
	<p>do not interfere with the medical needs of the student. The principal coordinates such services with the Administrator for Special Education for eligible students. Such educational services are not be considered special education unless the student has been determined eligible for such services, and the services include services on the student’s IEP.</p> <p><u>Administrator of Special Education:</u></p> <p>5. The school district has an appointed person to be its Administrator of Special Education. The Administrator supervises all special education for the school district and ensures compliance with all federal and state special education laws. As appropriate, and in accordance with the requirements of MGL c.71B, §3A, the Administrator may designate other school district personnel to carry out some of the duties of the Administrator.</p>	
	<p><b>State Regulations</b> 28.03(3) Chapter 71, sec. 38Q and 38Q ½ as amended by FY '01 State Budget Out Side Sections 146 and 147</p>	<p><b>Federal Requirements</b></p>
	<b>Rating: Partially Implemented</b>	<b>District Response Required:</b>

**Department of Education Findings:** *Through interviews the on-site team found that the Administrator of Special Education is unable to effectively supervise the district’s special education programs and services as required by the law. The Administrator is regularly excluded from Special Education policy and management decisions—both at the school level and at the central administrative level. Additionally, Chicopee’s Curriculum Accommodation Plan does not meet statutory requirements, as it does not address how to successfully include students in a regular education setting. (Refer to element #2 above under this criterion.)*

CRITERION NUMBER	<b>Legal Standard</b>	
<b>SE 51</b>	<p><b>Appropriate special education teacher certification</b> Individuals who design and/or provide direct special education services described in IEPs, or who supervise the provision of special education services by other teachers or paraprofessionals, are appropriately certified.</p>	
	<p><b>State Regulations</b> 28.02(3) 603 CMR 7.00</p>	<p><b>Federal Requirements</b> 300.23; 300.36</p>
	<b>Rating: Implemented</b>	<b>DISTRICT RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 52</b>	<p><b>Appropriate certifications or other credentials -- related services</b>  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 regular or special classroom teacher is appropriately certified, licensed, board-registered or otherwise approved to provide such services by the relevant professional standards board or agency for the profession.</p> <p><b>State Regulations</b> 28.02(3)</p> <p><b>Federal Requirements</b> 300.23; 300.24; 300.136</p>
	<p><b>Rating: Implemented</b></p> <p style="text-align: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 53</b>	<p><b>Use of paraprofessionals</b></p> <ol style="list-style-type: none"> <li>1. Paraprofessionals and assistants (e.g., teacher aides, tutors and student teachers) are appropriately trained to assist in providing special education or related services.</li> <li>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.</li> </ol> <p><b>State Regulations</b></p> <p><b>Federal Requirements</b> 300.136(f)</p>
	<p><b>Rating: Implemented</b></p> <p style="text-align: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></p>

CRITERION NUMBER							
	Legal Standard						
SE 54	<p><b>Professional development regarding special education</b></p> <ol style="list-style-type: none"> <li>1) The district considers the needs of all staff in developing training opportunities for professional and paraprofessional staff and provides a variety of offerings which at a minimum include the following training topics offered on an annual basis:</li> <li>2) state and federal special education requirements and related local special education policies and procedures;</li> <li>3) confidentiality of student records;</li> <li>4) training in analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the regular classroom of students with diverse learning styles;</li> <li>5) methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate diverse learning needs of all students in the regular classroom;</li> <li>6) training in the provision of pre-referral services within regular education, teacher mentoring and collaboration and parental involvement;</li> <li>7) training for all locally hired <u>and</u> contracted transportation providers on the unique needs of all students being transported in regular and special transportation vehicles; and</li> <li>8) in cooperation with the special education parent advisory council, at least one workshop annually within the district on the rights of students and their parents and guardians under the state and federal special education laws and makes written materials explaining such rights available upon request.</li> </ol> <table border="0" data-bbox="402 1178 1169 1381"> <tr> <td data-bbox="402 1178 860 1381"> <p><b>State Regulations</b> Chapter 71, sec. 38g 28.03(1)(a) Chapter 71, sec. 38Q and 38Q ½ as amended by FY '01 State Budget Out Side Sections 146 and 147</p> </td> <td data-bbox="860 1178 1169 1381"> <p><b>Federal Requirements</b> 300.382</p> </td> <td colspan="2"></td> </tr> </table>			<p><b>State Regulations</b> Chapter 71, sec. 38g 28.03(1)(a) Chapter 71, sec. 38Q and 38Q ½ as amended by FY '01 State Budget Out Side Sections 146 and 147</p>	<p><b>Federal Requirements</b> 300.382</p>		
<p><b>State Regulations</b> Chapter 71, sec. 38g 28.03(1)(a) Chapter 71, sec. 38Q and 38Q ½ as amended by FY '01 State Budget Out Side Sections 146 and 147</p>	<p><b>Federal Requirements</b> 300.382</p>						
	<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>				

**Department of Education Findings:** *Based on the documentation received, the on-site team found that there is no mandated training regarding Special Education. Numerous principals identified the need for additional training for their regular education and special education teachers. Additionally, Chicopee's reliance on inclusion mandates the need for regular educators to receive far greater training on special education requirements.*

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION VI. FACULTY, STAFF AND ADMINISTRATION
	<b>Legal Standard</b>
<b>MOA 18</b>	<p><b>School district employee recruitment activities</b>  The district's employee recruitment activities are aimed at reaching all groups, including bilingual/bicultural persons, females/males in nontraditional roles and persons with disabilities. When certain categories of employment show a disproportionate number of females/males, racial and ethnic group members or disabled persons, the district makes efforts to recruit for such positions members of the under represented groups.</p> <p>Title I, Title VI, Title IX, S. 504</p>
	<p><b>Rating: Partially Implemented</b>                      <b>District Response Required: Yes</b></p>

**Department of Education Findings:** *Through interviews the on-site team found some confusion and disagreements between administrators regarding the term “affirmative action” and how to recruit minority candidates. Chicopee does not keep track of its hiring practices in order to document its efforts to recruit minority candidates.*

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION VI. FACULTY, STAFF AND ADMINISTRATION
	<b>Legal Standard</b>
<b>MOA 19</b>	<p><b>Employment application and interview procedures</b>  Job application forms and interview questions do not include inquiries regarding a candidate’s race, ethnicity, age, marital and parental status, national origin, physical attributes, religious background, health, health history and physical or mental condition.</p> <p>Title I, Title VI, Title IX, S. 504</p>
	<p><b>Rating: Implemented</b>                      <b>DISTRICT RESPONSE REQUIRED: No</b></p>

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION VI. FACULTY, STAFF AND ADMINISTRATION
	<b>Legal Standard</b>
<b>MOA 20</b>	<p><b>Non-discriminatory personnel policies and procedures</b>  District personnel policies and procedures are free of discrimination and bias in the following areas:</p> <p>X    employee hiring, upgrading, award of tenure, demotion, return from layoff and retirement are the same for both sexes</p> <p>X    employee pay schedules and rates of other compensation for all job categories</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>provide equal pay for equal work</p> <p>X fringe benefits for all job categories such as medical, dental, insurance, leave (sick, personal, professional, parental, dependent care, bereavement) etc. are the same for all employees.</p> <p>Title I, Title VI, Title IX, S. 504</p>
	<p><b>Rating: Implemented</b></p> <p style="text-align: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 21</b>	<p><b>Staff training regarding civil rights responsibilities</b></p> <p>The district provides in-service training for all school personnel at least annually regarding civil rights responsibilities, including the prevention of discrimination and harassment on the basis of disability, race, color, sex, religion, national origin and sexual orientation and the appropriate methods for responding to it in the school setting.</p> <p>Title VI, Title IX, S. 504, MGL, Ch. 76, Section 5</p>
	<p><b>Rating: Partially Implemented</b></p> <p style="text-align: right;"><b>DISTRICT RESPONSE REQUIRED: Yes</b></p>

**Department of Education Findings:** *The documentation provided by Chicopee indicates that support staff were the only employees who received training about civil rights responsibilities.*

<b>CRITERION NUMBER</b>	<b>TITLE 1 VI. FACULTY, STAFF AND ADMINISTRATION</b>
	<b>Legal Standard</b>
<b>TI 19</b>	<p>All professional staff providing Title I services are appropriately certified or hold current waivers for their job title and function.</p> <p>Chapter 71, 38G</p>
	<p><b>Rating: Implemented</b></p> <p style="text-align: right;"><b>District Response Required: No</b></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 20</b>	Teacher aides work under the direct supervision and in close proximity of certified teachers who are employed in that capacity. 1119 (I)(1)(c) ESEA,IASA
	<b>Rating: Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 21</b>	Professional development activities: <ul style="list-style-type: none"> <li>• support instructional practices that are conducive to the high achievement and challenging content expectations of the state's education reform efforts (e.g., Curriculum Frameworks); and</li> <li>• are provided to all of the district's instructional staff who serve Title I eligible students.</li> </ul> 1119 (b)(1)(A) ESEA,IASA
	<b>Rating: Commendable</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span>

**Department of Education Findings:** *Paraprofessionals are provided an opportunity to attain Associate Degrees through district funded enrollment at Holyoke Community College. In addition, efforts have begun to establish the district as an associate degree equivalency site.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 22</b>	Title I professional development activities are designed by principals, teachers, and other school staff to ensure that Title I students' needs are addressed. The district devotes sufficient resources to effectively carry out its responsibilities for professional development.  1119 (a)(2) ESEA,IASA; 1114(b)(1)(H)(i).
	<b>Rating: Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span>



<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 23</b>	Each school identified to be in need of improvement, as part of its school improvement plan, improves the skills of its staff by providing effective professional development activities and by devoting to such activities, over a period of 2 consecutive years, an amount equivalent to 10% of the Part A funds received by the school during 1 fiscal year (or otherwise document how the school is effectively carrying out professional development activities. Decisions about the use of these funds are made by teachers, principals, and other school staff in that school.  1116(c)(3)(A)(i), (ii), and (C) ESEA, IASA
	<b>Rating: Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	<b>TRANSITIONAL BILINGUAL EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION</b>
	<b>Legal Standard</b>
<b>TBE 15</b>	The school district provides the following personnel for its TBE Programs: a) certified TBE teachers, G.L. c.71A, Sec. 6 b) CERTIFIED ESL TEACHERS, G.L. C.71, SEC. 38G c) native language teacher aides if class ratio exceeds maximum, 603 CMR 14.04 d) an individual to be responsible for administration of the programs. 603 CMR 14.01(2)
	<b>Rating: Partially Implemented</b> <span style="float: right;"><b>District Response Required: Yes</b></span>

**Department of Education Findings:** *Through a review of documentation, the on-site team found that not all ESL teachers are certified. The greater concern for the on-site team is that Chicopee does not have enough teachers to serve the number of students who are Limited English Proficient. Despite the growing needs of Limited English Proficient students, the on-site team documented through interviews that Chicopee has made a conscious decision not to increase the size of its staff who serve Limited English Proficient students. One of the many consequences of this action is that Chicopee's regular education teachers cannot effectively collaborate with their ESL/TBE teachers as ESL/TBE teachers do not have the time to meet with their regular education peers.*

CRITERION NUMBER			
	Legal Standard		
TBE 16	<p>The maximum student-teacher ratio for Transitional Bilingual Education classes grades K-12 shall be an average of 20:1, except that the student-teacher ratio may be an average of 25:1, where a teacher's aide is assigned to the class. No individual class enrollment may be larger than the largest regular education class at the same grade level(s).</p> <p>G.L. c.71A, § and 603 CMR 14.05</p>		
	<b>Rating: Not Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>

**Department of Education Findings:** *Due to the fact that Chicopee has not established a TBE program required under current state law, requirements under this criterion are not met.*

CRITERION NUMBER			
	Legal Standard		
TBE 17	<p>The school district is implementing a professional development plan that addresses the need for training and skills for all staff in second language acquisition and in working with culturally and linguistically diverse student populations.</p> <p>G.L. c.71, §9C</p>		
	<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>

**Department of Education Findings:** *Through interviews, the on-site team found that encouraging professional development in second language knowledge was not a priority for the district administration or for most schools within Chicopee.*

## COMPONENT VII: SCHOOL FACILITIES

The criteria in this component examine whether the district maintains facilities that are conducive to learning, facilitate integration, and provide equal access and opportunity for students to achieve in the program areas listed below:

- Special Education (Report Issues # SE 55)
- Civil Rights Methods of Administration (MOA) (Report Issues MOA 22-23)
  - Transitional Bilingual Education (Report Issues # TBE 18-19)

CRITERION NUMBER	SPECIAL EDUCATION VII. SCHOOL FACILITIES
	<b>Legal Standard</b>
<b>SE 55</b>	<p><b>Special education facilities and classrooms</b></p> <ol style="list-style-type: none"> <li>1. The school district provides facilities and classrooms for eligible students which maximize the inclusion of such students into the life of the school;</li> <li>2. provide accessibility in order to implement fully each child’s IEP;</li> <li>3. are at least equal in all physical respects to the average standards of general education facilities and classrooms; and</li> <li>4. are given the same priority as general education programs for access to and use of instructional and other space in public schools in order to minimize the separation or stigmatization of eligible students.</li> </ol> <p><b>State Regulations</b> 28.03(b)</p> <p><b>Federal Requirements</b> Section 504 of the Rehabilitation Act of 1973</p>
	<b>Rating: Partially Implemented</b> <b>District Response Required: Yes</b>

**Department of Education Findings:** *The on-site team found that the Behavior Program at Chicopee Comprehensive High School is located in a classroom that does not meet standards under this criterion.*

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION VII. SCHOOL FACILITIES
	<b>Legal Standard</b>
<b>MOA 22</b>	<p><b>Accessibility of district programs and services for students with limited physical mobility</b></p> <p>In at least one facility within the district, the district makes available and entirely accessible to students with disabilities all educational programs and services offered at each level (preschool, elementary and secondary).</p> <p>Title II of the Americans with Disabilities Act; S. 504; MGL, Ch. 71B; Individuals with Disability Act (IDEA-97)</p>
	<b>Rating: Partially Implemented</b> <b>District Response Required: Yes</b>

**Department of Education Findings:** *The on-site team found that the Helen O’Connell Administration Building—the building that houses central administrative staff (including the Superintendent) and is also the location where the school committee convenes its meetings, is not accessible. Additionally the on-site team found that the Horizon School (Chicopee’s alternative school) is not accessible.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 23</b>	<p><b>Comparability of facilities and programs</b>  Where the district provides separate facilities or programs for members of a specific group, facilities and programs are comparable to those offered other students in the district, including:</p> <ul style="list-style-type: none"> <li>X separate classes and facilities for disabled, limited English-proficient or pregnant students that are comparable to the facilities, programs, equipment and services offered other students in the district;</li> <li>X changing rooms, showers and other facilities for students of one gender that are comparable in size, number and location to those provided students of the other gender.</li> </ul> <p>Title II, Title VI, Title IX, S. 504, MGL, Ch. 76, Section 5</p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span></p>

<b>CRITERION NUMBER</b>	<b>TRANSITIONAL BILINGUAL EDUCATION VII. SCHOOL FACILITIES</b>
	<b>Legal Standard</b>
<b>TBE 18</b>	<p>Whenever feasible, the TBE program is located in regular public schools rather than separate facilities.  G.L. c.71A, §</p>
	<p><b>Rating: Not Implemented</b> <span style="float: right;"><b>District Response Required: Yes</b></span></p>

**Department of Education Findings:** *This criterion is not implemented as the district does not provide a TBE program as required by state law.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TBE 19</b>	<p>TBE classrooms are comparable to those provided for regular education students (including physical characteristics, materials, and equipment).</p>

<b>CRITERION NUMBER</b>				
	<b>Legal Standard</b>			
	G.L. c.71A, 7; G.L. c.76, 5; 603 CMR 26.03(4)			
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>Rating: Partially Implemented</b></td> <td style="width: 30%;"><b>DISTRICT RESPONSE REQUIRED:</b></td> <td style="width: 20%; text-align: right;"><b>Yes</b></td> </tr> </table>	<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>
<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>		

**Department of Education Findings:** *Since there are no TBE programs in the district, virtually all of the Limited English Proficient children are in the regular general education classrooms. Within the regular education classrooms, the on-site team found very little evidence of native language materials.*

## COMPONENT VIII: PROGRAM PLAN AND EVALUATION

The criteria in this component examine whether the district has written programs plans that are evaluated according to specific regulatory requirements and whether parents have opportunities for input on needs, program implementation, evaluation, and improvement in the program areas listed below:

- Special Education (Report Issue # SE 56)
- Civil Rights Methods of Administration (MOA) (Report Issues MOA 24-25)
  - Title I (Report Issues # TI 24-26)
- Transitional Bilingual Education (Report Issue # TBE 20)

CRITERION NUMBER	SPECIAL EDUCATION VIII. PROGRAM PLAN AND EVALUATION
	<b>Legal Standard</b>
<b>SE 56</b>	<p><b>Special education programs and services are evaluated</b></p> <ol style="list-style-type: none"> <li>1. Special education programs, services and administrative areas are regularly evaluated.</li> <li>2. The district develops methods for determining the effectiveness of programs in assisting students with disabilities to achieve the goals set forth in their IEPs in the least restrictive environment.</li> <li>3. The district uses information it gathers from annual IEP reviews to measure the effectiveness of special education programs, and identifies programs, services and administrative areas that need improvement or must be developed.</li> <li>4. As part of these evaluation procedures, the district measures the success of programs based on students' local and statewide assessment results, drop out rates and graduation rates for special education students.</li> </ol> <p><b>State Regulations</b> Chapter 71B Chapter 71, sec. 59C</p> <p style="text-align: right;"><b>Federal Requirements</b> 300.137</p>
	<p><b>Rating: Not implemented</b> <span style="float: right;"><b>District Response Required: Yes</b></span></p>

**Department of Education Findings:** *The on-site team found that Chicopee does not regularly evaluate the effectiveness or adequacy of its special education programs. Additionally, since the last time a systematic evaluation of the special education programs was conducted in 1997, the recommendations were not implemented appropriately.*

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION VIII. PROGRAM PLAN AND EVALUATION
	<b>Legal Standard</b>
<b>MOA 24</b>	<p><b>Curriculum review process</b></p> <p>The district has a process to ensure that teachers in the district regularly review all instructional and educational materials for simplistic and demeaning generalizations, lacking intellectual merit on the basis of disability, race, color, sex, religion, national origin and sexual orientation.</p> <p>MGL, Ch.76, Section 5; 603 CMR 26.05(2)</p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span></p>



<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 25</b>	<b>Institutional self-evaluation</b> The district has in place a comprehensive evaluation process to examine and remedy policies and programs that discriminate or limit educational access due to race, color, sex, religion, national origin, sexual orientation, or disability.  Title VI; Title IX; S. 504; MGL, Ch.76, Section 5
	<b>Rating: Not Implemented</b> <b>DISTRICT RESPONSE REQUIRED: Yes</b>

**Department of Education Findings:**

*The on-site team did not find that Chicopee has an evaluation process required under this criterion*

<b>CRITERION NUMBER</b>	<b>TITLE 1</b> <b>VIII. PROGRAM PLAN AND EVALUATION</b>
	<b>Legal Standard</b>
<b>TI 24</b>	A needs assessment and data analysis is conducted annually in each school to determine the types of programs and services to be provided to Title I students. Such assessment is conducted in consultation with school staff and parents.  1115 (c)(2)(B); IASA 1114 (b)(1)(A) ESEA,IASA
	<b>Rating: Partially Implemented</b> <b>District Response Required: Yes</b>

**Department of Education Findings:** *Interviews indicate that Title I parents are not consulted in the gathering of data to determine what types of programs or services are conducted at each school.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 24A</b>	The effectiveness of the Title I program/services at each school is evaluated on at least an annual basis, and Title I program changes are implemented which reflect the recommendations of this evaluation. The Title I Schoolwide Plan is integrated into the school's Improvement Plan.  1115 (c)(2)(B)ESEA, IASA
	<b>Rating: Implemented</b> <b>DISTRICT RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 25</b>	<p>Each Title I school identified in need of improvement develops an improvement plan in consultation with parents, the district, and the school support team, or revises its school plan in a manner that demonstrates the greatest likelihood of improving the performance of participating children.</p> <p>1116(c)(2)(C)(i) ESEA, IASA</p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 26</b>	<p>For districts with one or more Title I schools identified as in need of improvement, the district:</p> <ul style="list-style-type: none"> <li>• provides technical or other assistance as the school develops and implements or revises its school improvement plan. (Such technical assistance may be provided directly or by other entities with experience in helping schools improve achievement.);</li> <li>• (for the 2002-2003 school year) implements corrective action in the identified school during the third year following identification, if the school continues to fail to make adequate yearly progress (e.g., withhold funds, revoke authority to operate a schoolwide program, reconstitution of school staff, etc.); and</li> <li>• provides as many students as possible in an identified school with the opportunity to transfer to another school in the district not in need of improvement.</li> </ul> <p>1116(c)(4) and (5) ESEA, IASA 2763A-32 of P.L. 106-554 (Education Appropriations Act, 2001)</p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></span></p>

<b>CRITERION NUMBER</b>	<b>TRANSITIONAL BILINGUAL EDUCATION VIII. PROGRAM PLAN AND EVALUATION</b>
	<b>Legal Standard</b>
<b>TBE 20</b>	The school district provides information as requested to the Department of Education that describes an Annual Performance Evaluation of its program of Transitional Bilingual Education in accordance with G.L. c.69, 21, 20.
	<b>Rating: Not Implemented</b> <span style="float: right;"><b>District Response Required: Yes</b></span>

**Department of Education Findings:** *Chicopee was unable to provide documentation to the Department that demonstrated how its TBE programs are evaluated for their effectiveness.*

## COMPONENT IX: RECORD KEEPING

The criteria in this component examine whether the district maintains required records and documentation for the program areas listed below:

- Special Education (Report Issues # SE 57-58)
  - Title I (Report Issues # TI 27-29A)
- Transitional Bilingual Education (Report Issue # TBE 21)

CRITERION NUMBER	SPECIAL EDUCATION IX. RECORD KEEPING	
	Legal Standard	
SE 57	<p><b>Special education child count</b></p> <ol style="list-style-type: none"> <li data-bbox="407 443 1411 642">1. A child count is maintained representing students with current, accepted IEPs who are provided, at a minimum, direct special education and/or related services to each student. The count is filed as part of annual school report by December 1 of each school year and provides an unduplicated listing of the number of students with IEPs in each program and does not reveal the identity of individual students or their parents.</li> <li data-bbox="407 642 1411 772">2. The child count also includes students with disabilities determined eligible for special education who are attending private schools at private expense and are receiving publicly funded services according to IEPs developed by the district.</li> <li data-bbox="407 772 1411 909">3. The district does not include as part of its special education child count students who are determined by the Department to be erroneously classified as eligible to be counted under federal or state special education requirements or who are no longer receiving special education and/or related services.</li> </ol> <p><b>State Regulations</b> 603 CMR 23.00</p> <p><b>Federal Requirements</b> 300.750-754; 300.145; 300.560-300.577; Family Educational Rights and Privacy Act (FERPA); 300.133</p>	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

**Department of Education Findings:** *The on-site team found numerous records where IEPs were unsigned on December 1, 2001, and Chicopee had not taken further steps to obtain parental signatures. In addition the on-site team found students who were entered twice on the child count. Finally, the on-site team has concerns about students found eligible who were not assessed appropriately or eligible students who are not receiving specially designed instruction. The Department will be closely monitoring requirements under this criterion during the upcoming school year.*

CRITERION NUMBER	SPECIAL EDUCATION IX. RECORD KEEPING	
	Legal Standard	
SE 58	<p><b>Federal Special Education Entitlement Grant</b></p> <ol style="list-style-type: none"> <li data-bbox="407 1722 1411 1818">1. The district's Special Education entitlement grant is designed by appropriate local administrators who are responsible for the implementation of the local special education programs and services.</li> <li data-bbox="407 1818 1411 1883">2. Where necessary, appropriate local administrators amend the programmatic and budgetary sections of the grant according to procedures and timelines required</li> </ol>	

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>by the Department of Education.</p> <p>3. Appropriate local administrators monitor the entitlement grant in an ongoing manner to ensure its full implementation as the Department of Education has approved it.</p> <p>4. The district has secured the approval of the Department of Education for all amendments prior to their implementation.</p> <p>5. The district spends at least a proportionate share of its federal special education funds on services for children enrolled in private schools at private expense.</p> <p><b>State Regulations</b> 28.03(1)(e)</p> <p style="text-align: right;"><b>Federal Requirements</b> 300.230; 300.340-300.500</p>
	<p><b>Rating: Implemented</b></p> <p style="text-align: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></p>

<b>CRITERION NUMBER</b>	<b>TITLE 1 IX. RECORD KEEPING</b>
	<b>Legal Standard</b>
<b>TI 27</b>	<p>For each split-funded staff member, the district maintains an appropriate log (time and efforts record) verifying the time actually spent on Title I activities.</p> <p>200.63 (Federal Register) CFR</p>
	<p><b>Rating: Implemented</b></p> <p style="text-align: right;"><b>District Response Required: No</b></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>TI 28</b>	<p>Documentation is on file at the local Title I office verifying comparability and the district is in compliance with such comparability.</p> <p>1120 (A)(c)(3)(B) ESEA, IASA</p>
	<p><b>Rating: Implemented</b></p> <p style="text-align: right;"><b>DISTRICT RESPONSE REQUIRED: No</b></p>

CRITERION NUMBER			
	Legal Standard		
<p><b>TI 29</b></p>	<p>The district has submitted all required reports to the Department of Education including the Local Title I Plan/Application and Performance and Achievement Report.</p> <p>The district maintains appropriate Title I records in a central location or at each Title I school and keeps correspondence on file, including documentation for identifying schools eligible for Title I services (Target Area Selection), and the form for determining school allocations.</p> <p>Information is made available to the Department regarding the allocation of Title I funds to schools and the rank order list and student selection criteria determined by the district.</p> <p>ESEA 1116 (d)(1)(A), 1111(b)(2)(A)(ii), 1120A(c)(2)</p>		
	<p><b>Rating: Implemented</b></p>	<p><b>DISTRICT RESPONSE REQUIRED:</b></p>	<p><b>No</b></p>

CRITERION NUMBER			
	Legal Standard		
<p><b>TI 29A</b></p>	<p><b>Federal Title I Grant:</b></p> <p>The district's Title I grant is designed by appropriate local administrators who are responsible for the implementation of the local Title I programs and services.</p> <p>Where necessary, appropriate local administrators amend the programmatic and budgetary sections of the grant according to procedures and timelines required by the Department of Education.</p> <p>Appropriate local administrators monitor the grant in an ongoing manner to ensure its full implementation as the Department of Education has approved it.</p> <p>The district secures the approval of the Department of Education for all amendments prior to their implementation.</p>		
	<p><b>Rating: Implemented</b></p>	<p><b>DISTRICT RESPONSE REQUIRED:</b></p>	<p><b>No</b></p>

<b>CRITERION NUMBER</b>	<b>TRANSITIONAL BILINGUAL EDUCATION IX. RECORD KEEPING</b>		
	<b>Legal Standard</b>		
<b>TBE 21</b>	<p>Cumulative records on bilingual students are maintained in a confidential fashion as required by the Student Record Regulations and provided to parents upon request. Such records include:</p> <ul style="list-style-type: none"> <li>a) results of tests and evaluations, and</li> <li>b) information about student's previous school experiences.</li> </ul> <p>G.L. c.71, 34 D and E, 603 CMR 23.00</p>		
	<b>Rating: Not Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>

**Department of Education Findings:** *In general, the TBE student records reviewed by the onsite team were disorganized, difficult to decode and incomplete with regard to testing information, information about previous schooling, previous report cards, completed forms, and documentation of translated notices for parents prepared in their native language. Because of Chicopee's school-based management, there is effectively no way for the district to document in student records its compliance with the legal requirements under Chapter 71A*



APPENDIX I:  
NUTRITION PROGRAMS AND SERVICES

Code of Federal Regulations:

7 CFR Parts: 210 National School Lunch Program

215 Special Milk Program for Children

220 School Breakfast Program

227 Nutrition Education and Training Program

245 Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools

The criteria in this component of the Coordinated Program Review examine whether the School Food Authority ensures that the requirements for participation in the National School Lunch, School Breakfast, Special Milk and Commodity School Programs are being implemented. These requirements specify program responsibilities of local officials in the areas of program administration, preparation and service of nutritious meals, use of program funds, program monitoring, reporting and record keeping. The findings included in this section of the report have been made through on-site activities completed by the Department's Nutrition Programs and Services team member.

CRITERION NUMBER	NUTRITION PROGRAMS AND SERVICES		
	<b>Legal Standard</b>		
NS 1	All free and reduced price and paid lunches claimed for reimbursement are served to students eligible for free, reduced price and paid lunches respectively; and are counted, recorded, consolidated and reported through a system which consistently yields correct claims. 7 CFR 210.18 (g) (1).		
	<b>Rating: Partially Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>Yes</b>

**Department of Education Findings:**

*One free/reduced application was found to be in error. The student was being claimed as free eligible while she actually was qualified for reduced price meals. Details can be found on the nutrition School Data booklet for the Barry School on page S-5. Although the correction was made during the review process, a response is still required.*

CRITERION NUMBER			
	<b>Legal Standard</b>		
NS 2	Records indicate that lunches claimed for reimbursement within the school food authority contain food items/components as required by program regulations. 7 CFR 210.18 (g) (2)		
	<b>Rating: Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	

CRITERION NUMBER			
	<b>Legal Standard</b>		
NS 3	School Food Authorities account for all revenues and expenditures of their nonprofit school food service. In order to participate in the NSLP, the School Food Authority maintains records to demonstrate compliance with program requirements. Retention of these documents is for three years after the close of the fiscal year to which they pertain except in cases where audit findings are unresolved. 7CFR210.9 (a) (17); 210.14, 210.15		
	<b>Rating: Implemented</b>	<b>DISTRICT RESPONSE REQUIRED:</b>	<b>No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>NS 4</b>	The School Food Authority works to strengthen the following school nutrition program participation and management practices: a. school nutrition participation b. nutrition education activities c. productivity evaluation 7CFR 210.19; 7CFR 220.8; 7CFR 210.9
	<b>Rating: Implemented</b> <b>DISTRICT RESPONSE REQUIRED:</b> <b>No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>NS 5</b>	All eligible students have access to the school food services program. 7 CFR 15b; 7 CFR 210.23(c).
	<b>Rating: Implemented</b> <b>DISTRICT RESPONSE REQUIRED:</b> <b>No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>NS 6</b>	The School Food Authority ensures that established sanitation and health standards are implemented. Facilities are properly safeguarded against theft, spoilage and other loss. 7 CFR 210.13
	<b>Rating: Implemented</b> <b>DISTRICT RESPONSE REQUIRED:</b> <b>No</b>

**APPENDIX II:  
SCHOOL DISTRICT PROFILE INFORMATION**

The information which is provided in this Appendix was drawn from data supplied by the school district. The Department's visiting team carefully reviewed this data as part of its planning for the onsite visit and in preparing this Coordinated Program Review Report. This district-wide information, together with more detailed school building data, is periodically updated by the school district and is available in an evercurrent form on the Department's internet web site at <<http://profiles.doe.mass.edu/>>.

# School and District Profiles

## Definitions of Terms

### Profiles

The Massachusetts Department of Education collects information about schools and districts. Some of the information collected is published in School and District Profiles on DOE web pages. The information provides a snapshot of the educational picture in communities across the state.

Now districts view, add, update and delete their own district and school information over the web to make sure that the information is as up-to-date and accurate as possible. In addition, the general public will be able to view Directory information about each school district in the state. Individuals can retrieve for themselves information such as school personnel, school programs (e.g. School Choice and TBE) and the location of specialized services such as Special Education Collaboratives, and Vocational Training Programs.

The list below provides an explanation of information presented in the Profiles.

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## Directory Information

**DOE Code:** The DOE Code, also referred to as the Organization Code, is an eight digit numeric code assigned by the Massachusetts Department of Education to every organization listed in the Directory Profiles, including every district and school in the Commonwealth. For districts and schools, the first four digits represent the District Code and the last four digits represent the School Code. Thus the organization code "02660505" stands for "0266" (Sharon Public Schools) + "0505" (Sharon High). If a form requires the 8-digit DOE school code it is calling for the entire organization code.

Prior to the 2001 school year, organization codes contained six digits (three for the district and three for the school.) With the exception of some special needs schools, the eight digit codes are the same as the six digit codes with one zero added before the district code and another zero added before the school code. Thus, Sharon High's old six digit organizational code was 266505.

Please Note: The Department's Organization Code is not the same as the Institution codes assigned by the College board for SAT and AP results. Nor is it the same as the NCES code assigned to Massachusetts schools by the U.S. Department of Education.

**Grades/Schools\*:** indicates the number and grade range of elementary, middle/junior high and high schools in the district, as well as the total number of schools in the district and the grade range of the school system. An elementary range beginning with "PK" indicates the district has pre-kindergarten. A high school range ending in "13" or "14" indicates the district has a post-graduate program. Kindergarten starting age indicates the age as of a particular date at which children are eligible to begin kindergarten.

**Services:** Services include:

- **Inter-district Choice:** indicates whether students from other districts may enroll in the district through the state school choice program, which is voluntary and on a space-available basis.
- **Intra-district Choice:** indicates whether the district has a school choice program within the school district for students who live in the district.
- **Vocational Education:** indicates whether the district operates a Chapter 74 approved vocational education program.
- **Transitional Bilingual Education (TBE):** indicates whether the district operates a TBE program. Under Massachusetts law, a district must provide a TBE program in a particular language if there are 20 or more limited English proficient students in that particular language group enrolled in the district. Limited English proficient students are students whose first language is not English and who cannot perform ordinary class work in English.
- **METCO:** indicates whether the district participates in the state METCO program, which promotes voluntary desegregation by enrolling minority students from Boston and Springfield in suburban schools.

**Relationships:** Relationships include:

- **Member of Regional Districts\*:** for local school districts, indicates the name(s) of any academic and/or vocational regional district(s) of which the local school district is a member. For regional school districts, indicates the names of member local school districts. A regional school district provides educational services to more than one town.

\* District level data only.

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## Enrollment

**Enrollment by Grade:** indicates the enrollment for grades Pre-kindergarten (PK), kindergarten through 12, post-graduate grades 13 and 14, and ungraded (u/g) students for the listed school year.

**Race/Ethnicity:** indicates the percent of enrollment by race/ethnicity for the listed school year. The reporting categories are those used by the U.S. Bureau of the Census.

**Selected Populations:** indicates the percent of enrollment represented by students in special education programs\*, students who are limited English proficient, and students eligible to receive free or reduced price lunch\*. Data are for the listed school year.

**Children Attending Public Schools\*:** indicates the percent of school-age children in a city or town attending public schools, for the listed school years.

\* District level data only.

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## Test Results

**Massachusetts Comprehensive Assessment System (MCAS):** Click the MCAS link to see MCAS results for the district or school.

For additional information about Massachusetts Comprehensive Assessment System (MCAS), please refer to the Department of Education's MCAS web site at [www.doe.mass.edu/mcas](http://www.doe.mass.edu/mcas).

**SAT:** The district or school's SAT results are displayed for the listed years.

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## People

A list of people who work in the organization. Each name is linked to contact information for the person.

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## Finance

**Per Pupil Expenditures\*:** are calculated by dividing a district's operating costs by its average pupil membership. Operating costs include expenditures for administration, instruction, pupil services, transportation, plant maintenance, and fixed charges. These costs do not include capital outlay and long-term interest on school debt.

Average pupil membership includes students who receive services in the district's schools, as well as students receiving home or hospital instruction. Data for regular education, special education, bilingual education and vocational education students are provided in addition to the total for all day programs, for the listed school years.

**Teacher Salary\*:** indicates the minimum and maximum teacher salaries available, for the listed school years.

**Foundation Budget Spending Comparison\*:** The education reform act established a foundation budget for each school district. This budget represents the minimum level of spending needed to provide an adequate education for the district's students. The foundation budget is made up of 19 separate categories. The chart shows the district's actual spending in each category for the listed school year as a percentage of the district's foundation budget. If the percentage exceeds 100%, the district spent more in the category than suggested by the foundation budget. If the percentage is less than 100%, the district spent less. Significant variations between local spending and the foundation budget, or between local spending and the statewide averages, should be reviewed closely. In some cases, the differences may be due to unique circumstances and needs within the district. In other cases, the differences may suggest potential areas for review and improvement.

Click one of the links in the Finance section for more school finance information.

\* District level data only.

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## Other Data

**Dropout/Attendance Rates:** indicates the percentage of students in grades 9-12 who dropped out of school between July 1 and June 30 prior to the listed year and who did not return to school by October 1. Dropouts are defined as students who leave school prior to graduation for reasons other than transfer to another school.

**Attendance Rate:** indicates the average percentage of enrolled students present in school for the listed school year.

**Student Exclusions:** indicates the number of student exclusions that occurred during the listed school year. An exclusion is defined as the removal of a student for disciplinary purposes permanently, indefinitely or for more than ten consecutive school days.

**Plans of High School Graduates:** indicates the post-graduate intentions of students for the listed school year.

**Technology:** indicates the number of students for every one computer and the percent of classrooms with Internet access. Data are for the listed school year; "DNR" appears for schools and districts which did not yet report data

The electronic version of this profile information is available at:

<http://profiles.doe.mass.edu/home.asp?mode=ot&view=&ot=5>

SE, MOA, TI, TBE, N

File Name: Chicopee CPR Final 2002.doc

Last Revised on: October 1, 2002

Prepared by: D.S., DWK; JDS