

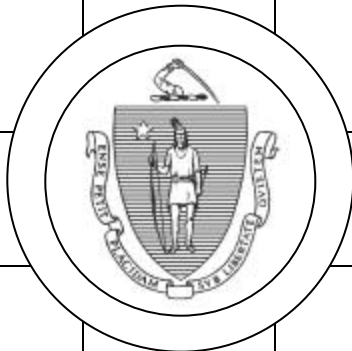


Northern Berkshire Vocational Regional School District

**COORDINATED PROGRAM REVIEW
REPORT OF FINDINGS**

**Dates of Onsite Visit: March 25, 2002
Date of Draft Report: May 20, 2002
Due Date for Comments: June 5, 2002
Date of Final Report: July 24, 2002, 2002
Action Plan Due: September 4, 2002**

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**MASSACHUSETTS DEPARTMENT OF EDUCATION
COORDINATED PROGRAM REVIEW**

Northern Berkshire Vocational Regional School District

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MASSACHUSETTS DEPARTMENT OF EDUCATION

COORDINATED PROGRAM REVIEW REPORT

Northern Berkshire Vocational Regional School District

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 three-member Massachusetts Department of Education team visited Northern Berkshire Regional Vocational/Technical School during the week of March 25, 2002 to evaluate the implementation of selected criteria in the program areas of Special Education, Methods of Administration, and Title I. 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 4 administrative staff.
- Interviews of 22 teaching and support services staff across all levels.
- Interviews of 2 parent advisory council (PAC) representatives, and other interviews as requested by persons from the general public.
- Student record reviews: the Department selected a sample of 12 student records. 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, first examined student records.
- Parent surveys: twelve 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. Five 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 4 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

Northern Berkshire Vocational Regional School District

The following summary synthesizes the findings for criteria included in the Coordinated Program Review as they respond to essential questions which 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.

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?

The district does not have a system for determining assessments based on the area of suspected disability, consistent with federal and state requirements. The resulting problems are compounded by the fact that the district has not completed an appropriate eligibility determination for any of the students currently on IEPs within the district. Since these core processes have been non-existent, any other processes stemming from the current practice must be non-compliant as well. Since the district does not conduct a re-evaluation every three years as required, there is no TEAM discussion beforehand to determine what assessments are required to determine whether the student continues to be eligible for special education services. Of the 14 special education criteria in this component 12 were rated as not implemented or partially implemented by the district.

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?

Since the district's procedure for the determination of disability does not conform to regulatory requirements and in fact is non-existent (see summary of Component I), the IEP is developed on the basis of unsound information concerning a student's disability and need(s), with the result that all current IEPs have been improperly developed. If the process by which the IEPs are developed is flawed then it is not possible for the Team to make appropriate decisions about placement.

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?

Review of student records and interviews revealed that the district is not using the forms approved by the Department. In most instances the required notices to parents were either incomplete or absent from the file. Team meetings are conducted as if they were parent conferences, with IEPs being generated after the meeting by the director of special education. At the conclusion of the Team meeting the parents do not receive any summary notes to compare to the contents of the IEP when it is received about five days later.

This year was the first time the district had attempted to form a Parent Advisory Council. In order to generate interest, it issued an open invitation to all parents of disabled students. There was no documentation as to the next steps in the process or as to whether those parents in attendance at the first meeting would move the process forward.

The district indicated that it does not have any students for whom English is not the primary language. Yet it has no written process to address the need to translate materials for their families should any such students be admitted to the school.

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?

As noted for Components I and II, the assessment and IEP development processes are all but absent, leaving the Team unable to have a thoughtful discussion concerning student involvement in the general curriculum, appropriate goals and objectives, or the need for specialized materials or assistive technology. The result is a total lack of a continuum of services. The only "offering" is a "study skills" class that offers tutoring instead of specialized instruction to support the accommodations that should be taking place in the general education classroom. Although the school is working toward aligning the general education curriculum with the frameworks, there are no programs that could be described as specialized instruction.

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 district does not have clear, written procedures for the discipline of disabled students or those students suspected of having disabilities. In interviews the district indicated that Team meetings are held after six suspensions. Yet the district has no policy describing the process, those staff members who are responsible, or the possible outcomes.

The district does not have a published policy clearly setting forth the grievance procedures and possible outcomes for grievances under Title VI, Title IX, and Section 504.

When students reach 15 absences they are sent a letter informing them of the district's intention to drop them from the rolls. The district does not inform students who are about to leave school without a diploma of their rights and options.

Finally, the district has yet to implement restraint training and procedures as required by the regulations (603 CMR 46.0).

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?

In spite of the law requiring districts to develop a district curriculum accommodation plan (DCAP) to assist in providing instructional support services (ISS) within regular education, the district has made no attempt to provide general education services to students in need before referring them for special education services. Furthermore, the principal does not have a clear understanding of his role in providing home/hospital services for students who need them.

To date, the district has not provided training for all staff in special education or in their civil rights responsibilities.

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 district complies with all requirements of this component.

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?

There was no evidence that the district has evaluated its special education program or that it has an evaluation process in place 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.

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?

The district did have signed IEPs for students included in their child count. However, since the process for disability determination is seriously flawed, there is a question whether students on IEPs are actually in need of special education services.

DEFINITION OF TERMS
FOR THE RATING OF EACH COMPLIANCE CRITERION

| | |
|-----------------------------------|---|
| Commendable | Any requirement or aspect of a requirement implemented in an exemplary manner significantly beyond the requirements of law or regulation. |
| Implemented | The requirement is substantially met. |
| Implementation in Progress | 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. |
| Partially Implemented | The requirement, in one or several important aspects, is not entirely met. |
| Not Implemented | The requirement is totally or substantially not met. |
| Not Applicable | 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)

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

Department of Education Findings:

There is significant noncompliance in the district with required procedures for determining eligibility for special education and for delivering special education. This lack of procedural compliance particularly impacts parts 1c, g, and j above. Compliance with part 1c is dependent on an appropriate preliminary determination of possible disability; because such preliminary determinations are not made, the onsite team has determined that the district does not comply with

this requirement. There is an over-reliance on the Woodcock-Johnson as the criterion for determining an educational program, in contravention of 1g. Although the district does have meetings for students to discuss behaviors, there is no mechanism in place to administer Functional Behavioral Assessments as required in 1j. Referring again to the opening sentence above, if the process of selecting assessments is flawed then the evaluation of those assessments and the decision-making based on them must also be flawed, which has led to noncompliance with parts 2a and c of this criterion in particular.

| CRITERION NUMBER | |
|-------------------------|--|
| | Legal Standard |
| SE 2 | <p>Required and optional assessments</p> <ol style="list-style-type: none"> 1. <u>Required assessments</u>: The following assessments are completed by appropriately credentialed and trained specialists for each referred student: <ol style="list-style-type: none"> 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. b. Educational assessment by a representative of the school district, including a history of the student’s educational progress in the general curriculum. 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. 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. 2. <u>Optional assessments</u>: The Administrator of Special Education may recommend or the parent may request one or more of the following: <ol style="list-style-type: none"> 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. b. A psychological assessment by a certified school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination. 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 |

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| CRITERION NUMBER | | | | | |
| | Legal Standard | | | | |
| | <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"> a. that no further assessments are needed and the reasons for this; and b. the right of such parents to request an assessment. | | | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Regulations</td> <td style="width: 50%;">Federal Requirements</td> </tr> <tr> <td>28.04 (1) and (2)</td> <td>300.532; 300.346.(a)(2)(v)</td> </tr> </table> | State Regulations | Federal Requirements | 28.04 (1) and (2) | 300.532; 300.346.(a)(2)(v) |
| State Regulations | Federal Requirements | | | | |
| 28.04 (1) and (2) | 300.532; 300.346.(a)(2)(v) | | | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Rating: Partially Implemented</td> <td style="width: 50%;">District Response Required: Yes</td> </tr> </table> | Rating: Partially Implemented | District Response Required: Yes | | |
| Rating: Partially Implemented | District Response Required: Yes | | | | |

Department of Education Findings:

Credentialed and trained specialists complete the assessments used by the district. There is noncompliance with parts 1 a, b, and c as well as part 3, as follows: Section 1a is predicated on the proper selection of the necessary assessments based on the area of suspected disability. If the process to determine the area of suspected disability is flawed then the selection of assessments will be flawed as well. Furthermore, there is rarely any consideration of assistive technology and services to meet student needs. The review of student records did not reveal the existence of an educational assessment as required by part 1b. Also, interviews with staff and a review of records revealed that the classroom teachers are not providing the Team with the assessments required by 1c. Lastly, there is no discussion by the Team concerning the assessments that will be needed to determine a student's continued eligibility for special education services as required by part 3.

| | |
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| CRITERION NUMBER | |
| | Legal Standard |
| SE 3 | <p>Special requirements for determination of specific learning disabilities When the district proposes to evaluate a child suspected of having a specific learning disability, the following requirements are implemented: <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. <u>Criteria for determining the existence of a specific learning disability:</u></p> <ol style="list-style-type: none"> 1. the achievement is determined not to be commensurate with the age and ability of the child; 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; |

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| CRITERION NUMBER | | | | | |
| | Legal Standard | | | | |
| | <p>student's needs, offering explicit means of meeting them. Assessors may recommend appropriate types of placements, but shall not recommend specific classrooms or schools.</p> <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> | | | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Regulations</td> <td style="width: 50%;">Federal Requirements</td> </tr> <tr> <td>28.04(2)(c)</td> <td>300.532</td> </tr> </table> | State Regulations | Federal Requirements | 28.04(2)(c) | 300.532 |
| State Regulations | Federal Requirements | | | | |
| 28.04(2)(c) | 300.532 | | | | |
| | Rating: Partially Implemented District Response Required: Yes | | | | |

Department of Education Findings:

The summaries of the results of the Woodcock-Johnson do not always provide a detailed, educationally relevant definition of the student's needs and explicit means to meet those needs, as required in part 1.

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| CRITERION NUMBER | | | | | |
| | Legal Standard | | | | |
| SE 5 | <p>Participation in general State and district-wide assessment programs</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> | | | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Regulations</td> <td style="width: 50%;">Federal Requirements</td> </tr> <tr> <td></td> <td>300.138; 300.139</td> </tr> </table> | State Regulations | Federal Requirements | | 300.138; 300.139 |
| State Regulations | Federal Requirements | | | | |
| | 300.138; 300.139 | | | | |
| | Rating: Implemented District Response Required: No | | | | |

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 6 | <p>Determination of transition services</p> <p>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.</p> |

| CRITERION NUMBER | |
|------------------|--|
| | Legal Standard |
| | <p>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.</p> <p>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.</p> <p>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).</p> <p>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.</p> <p>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</p> <p>State Regulations M.G.L. Ch.71B, Sections 12A-C 603 CMR 28.05(4)(c)</p> <p style="text-align: right;">Federal Requirements 300.344(b), 300.347</p> |
| | <p>Rating: Partially Implemented District Response Required: Yes</p> |

Department of Education Findings:

Students regularly attend the meetings, yet there was no documentation that the TEAM discusses transition as it relates to student preferences and interests and how the student's vision statement of post secondary plans impacts the development of specially designed instruction and academic preparation to meet those plans.

| CRITERION NUMBER | |
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| | Legal Standard |
| SE 7 | <p>Transfer of parental rights at age of majority and student participation and consent at the age of majority</p> <p>1. One year prior to the student reaching age eighteen, the district informs the</p> |

| CRITERION NUMBER | | | | | | | | |
|--------------------------|---|--|--------------------------|-----------------------------|------------------------|---------------------|-------------------|--|
| | Legal Standard | | | | | | | |
| | <p>student of his or her right at age 18 to make all decisions in relation to special education programs and services.</p> <p>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.</p> <p>3. The district continues to send the parent written notices and information but will no longer have decision-making authority, except as provided below.</p> <p style="padding-left: 40px;">(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</p> <p style="padding-left: 40px;">(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</p> <p style="padding-left: 40px;">(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.</p> <p style="text-align: center;"> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">State Regulations</td> <td style="width: 50%;">Federal Requirements</td> </tr> <tr> <td>M.G.L. Ch. 231, Sec 3A</td> <td>300.347(c), 300.517</td> </tr> <tr> <td>603 CMR 28.08(5),</td> <td></td> </tr> </table> </p> | | State Regulations | Federal Requirements | M.G.L. Ch. 231, Sec 3A | 300.347(c), 300.517 | 603 CMR 28.08(5), | |
| State Regulations | Federal Requirements | | | | | | | |
| M.G.L. Ch. 231, Sec 3A | 300.347(c), 300.517 | | | | | | | |
| 603 CMR 28.08(5), | | | | | | | | |
| | Rating: Not Implemented | District Response Required: Yes | | | | | | |

Department of Education Findings:

Records and interviews revealed that the Team does not discuss the age of majority the year before the student reaches his or her eighteenth birthday.

| CRITERION NUMBER | | |
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| | Legal Standard | |
| SE 8 | <u>Evaluation Team composition</u> | |

| CRITERION NUMBER | |
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| | Legal Standard |
| | <p>The following persons are members of the evaluation Team:</p> <ol style="list-style-type: none"> 1. The child's parents 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. 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) 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. 5. The student, age fourteen and older, if he/she chooses 6. Other individuals at the request of the student's parents 7. At least one teacher or specialist trained in the area of the student's suspected special needs 8. Individuals who are qualified to interpret the instructional implications of evaluation results 9. Other individuals who may be necessary to write an IEP for the child, as determined by the Administrator of Special Education 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. 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. <p>State Regulations 28.02(22)</p> <p style="text-align: right;">Federal Requirements 300.344; 300.552</p> |
| | <p>Rating: Partially Implemented District Response Required: Yes</p> |

Department of Education Findings:

The Teams that attend the Team meetings at McCann primarily consist of the director of special education, who chairs the meeting, the parent, and the student. Some general education teachers come to the meeting, give their report, and leave. The special education teacher is used to “cover” those teachers’ attendance at the meeting. Consequently, the district’s Teams are not in compliance with this criterion. Additionally, the director of special education admitted that he does not have the authority to commit the resources of the district during the development of the IEP.

| CRITERION NUMBER | |
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| | Legal Standard |
| SE 9 | <p>Eligibility determination: Timelines for evaluation, provision of IEP and/or identification of other needed instructional programs</p> <ol style="list-style-type: none"> 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"> a. provides an evaluation b. convenes a Team meeting c. determines whether the student has one or more disabilities d. determines if the student is making effective progress in school e. determines if any lack of progress is a result of the student's disability 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 g. develops an IEP where the student is found to need special education h. provides the parent with the proposed IEP, or a written explanation of the finding of no eligibility 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 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. 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. 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. <p>State Regulations 28.05(1) and (2)</p> <p>Federal Requirements 300.534</p> |
| | <p>Rating: Not Implemented District Response Required: Yes</p> |

Department of Education Findings:

A review of student records revealed that the district is not using all of the required forms for the evaluation process. Consequently it was difficult to determine if the assessments are completed within 30 days and the Team meeting held within 45 days from when consent is given by the parents. Additionally, records indicated that the district does not determine eligibility according to the

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| CRITERION NUMBER | | | |
| | Legal Standard | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Regulations 28.04(3)</td> <td style="width: 50%;">Federal Requirements 300.536</td> </tr> </table> | State Regulations 28.04(3) | Federal Requirements 300.536 |
| State Regulations 28.04(3) | Federal Requirements 300.536 | | |
| | Rating: Not Implemented District Response Required: Yes | | |

Department of Education Findings:

Documents indicated that the district has not been conducting re-evaluations every three years as required.

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| CRITERION NUMBER | | | |
| | Legal Standard | | |
| SE 13 | <p>Progress Reports and content</p> <ol style="list-style-type: none"> 1. Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students. 2. Progress report information sent to parents includes written information on the student's progress toward the annual goals in the IEP, 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. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Regulations 28.07(3)</td> <td style="width: 50%;">Federal Requirements 20 U.S.C. Chapter 33, Section 1414(d)(1)(A)(viii) 300.347</td> </tr> </table> | State Regulations 28.07(3) | Federal Requirements 20 U.S.C. Chapter 33, Section 1414(d)(1)(A)(viii) 300.347 |
| State Regulations 28.07(3) | Federal Requirements 20 U.S.C. Chapter 33, Section 1414(d)(1)(A)(viii) 300.347 | | |
| | Rating: Partially implemented District Response Required: Yes | | |

Department of Education Findings:

Progress reports are distributed to parents with the frequency required. However, the special education teachers who are responsible for monitoring progress toward the goals and objectives do not write the progress reports. The director of special education completes the reports with only informal input from the student's special education teacher.

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 14 | Annual review Team meeting |

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| CRITERION NUMBER | | | |
| | Legal Standard | | |
| | 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. | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Regulations 28.04(3)</td> <td style="width: 50%;">Federal Requirements 300.343(c)</td> </tr> </table> | State Regulations 28.04(3) | Federal Requirements 300.343(c) |
| State Regulations 28.04(3) | Federal Requirements 300.343(c) | | |
| | Rating: Implemented District Response Required: No | | |

Department of Education Findings:
These are held on the student's anniversary date.

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| CRITERION NUMBER | TITLE 1 I. ASSESSMENT OF STUDENT PROGRESS |
| | Legal Standard |
| TI 1 | 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. |
| | 1111(b)(3)(D) |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| TI 2 | In a Schoolwide Program all students are assessed in the selected grades during grade spans 3-5, 6-9, 10-12. |
| | 1114 (c)(1)(B)(I) ESEA,IASA |
| | Rating: Not Applicable District Response Required: No |

Department of Education Findings:
The Title I program in the district is a "targeted assistance program."

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| CRITERION NUMBER | |
| | Legal Standard |
| TI 3 | 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 |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| TI 4 | 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 |
| | Rating: Implemented District Response Required: No |

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)

Department of Education Findings:

McCann is a vocational technical high school for grades 9 -12.

| CRITERION NUMBER | |
|-------------------------|--|
| | Legal Standard |
| <p>SE 17</p> | <p>Initiation of services at age three and Early Intervention transition procedures</p> <ol style="list-style-type: none"> 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. 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. <p>State Regulations 28.06(7)(b)</p> <p style="text-align: right;">Federal Requirements 300.24(b)(3); 300.121(c); 300.132; 300.342(c)</p> |
| | <p>Rating: Not Applicable District Response Required: No</p> |

Department of Education Findings:

McCann is a vocational technical high school for grades 9 -12.

| CRITERION NUMBER | |
|-------------------------|--|
| | Legal Standard |
| <p>SE 18A</p> | <p>IEP development and content</p> <ol style="list-style-type: none"> 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. 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 |

| CRITERION NUMBER | | | |
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| | Legal Standard | | |
| | <p>curriculum, consistent with federal and state requirements.</p> <p>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.</p> <p>4. The IEP is completed addressing all elements of the most current IEP format 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> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> State Regulations 28.05(3), (4), (6) and (7) 28.06(2) </td> <td style="width: 50%; vertical-align: top;"> Federal Requirements 300.340-300.350; 300.343(a) 34 CFR Part 300, Appendix A, Question #22. </td> </tr> </table> | State Regulations 28.05(3), (4), (6) and (7) 28.06(2) | Federal Requirements 300.340-300.350; 300.343(a) 34 CFR Part 300, Appendix A, Question #22. |
| State Regulations 28.05(3), (4), (6) and (7) 28.06(2) | Federal Requirements 300.340-300.350; 300.343(a) 34 CFR Part 300, Appendix A, Question #22. | | |
| | <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Rating: Not Implemented</td> <td style="width: 50%;">District Response Required: Yes</td> </tr> </table> | Rating: Not Implemented | District Response Required: Yes |
| Rating: Not Implemented | District Response Required: Yes | | |

Department of Education Findings:

Student records, documents and interviews revealed that the district does not comply with the requirements of this criterion for the development of IEP content. Although IEPs are written using the approved format they are “boiler plate” in their construction, written with little or no consideration of what individual students need or how they can succeed in the general curriculum.

| CRITERION NUMBER | |
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| | Legal Standard |
| SE 18B | <p>Determination of placement; provision of IEP to parent</p> <p>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.</p> <p>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.</p> <p>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</p> |

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| CRITERION NUMBER | |
| | Legal Standard |
| | <p>at which the services are to be provided.</p> <p>4. The placement selected by the Team is the least restrictive environment consistent with the needs of the student.</p> <p>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.</p> <p>State Regulations 28.05(6) and (7)</p> <p>Federal Requirements 300.346</p> |
| | Rating: Not Implemented District Response Required: Yes |

Department of Education Findings:

Since the development of the IEP is flawed (see finding under SE 18A above) there cannot be an accurate determination of the type of placement the student needs. All of the IEPs provide only for “study skills” for one period a day, during which the student is removed from either history or computers.

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 19 | <p>Extended evaluation If the Team finds a student eligible for special education and finds the evaluation information insufficient to develop a full or partial IEP, the Team, with the parents’ consent, agrees to an extended evaluation period.</p> <p>1. The extended evaluation period is not used to deny programs or services determined to be necessary by the Team. If, prior to the extended evaluation, the Team determines that sufficient information is available to determine eligibility and to determine, in part, necessary annual goals and services, the Team writes a partial IEP that, if accepted by the parent, is immediately implemented by the district while the extended evaluation is occurring.</p> <p>2. The extended evaluation period is not be used to allow additional time to complete the required assessments and does not deny programs and services to the student.</p> <p>3. If the parent consents to an extended evaluation, the Team documents their findings and determines what evaluation time period is necessary and the types of information needed to determine eligibility and/or develop an IEP, if appropriate. The Team may decide to meet at intervals during the extended</p> |

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| CRITERION NUMBER | | | |
| | Legal Standard | | |
| | <p>evaluation, but in all cases reconvenes promptly to make their eligibility determination and/or develop an IEP when the evaluation is complete.</p> <p>4. The extended evaluation may extend longer than one week, but does not exceed eight school weeks.</p> <p>5. The extended evaluation is not considered a placement.</p> | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Regulations 28.05(2)(b)</td> <td style="width: 50%; text-align: right;">Federal Requirements</td> </tr> </table> | State Regulations 28.05(2)(b) | Federal Requirements |
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| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Rating: Implemented</td> <td style="width: 50%; text-align: right;">District Response Required: No</td> </tr> </table> | Rating: Implemented | District Response Required: No |
| Rating: Implemented | District Response Required: No | | |

Department of Education Findings:

According to interviews and student records there has been no need for the extended evaluation process.

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| CRITERION NUMBER | | | |
| | Legal Standard | | |
| SE 20 | <p>Least restrictive program selected</p> <p>1. The program selected is the least restrictive environment for students, with consideration given to any potential harmful effect on the student or on the quality of services that he or she needs.</p> <p>2. If the student is removed from the general education classroom at any time, the Team states why the removal is considered critical to the student's program and the basis for its conclusion that education of the student in a less restrictive environment, with the use of supplementary aids and services, could not be achieved satisfactorily.</p> <p>3. The district does not remove an eligible child from the general education classroom solely because of needed modification in the curriculum.</p> | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Regulations 28.06(2)(a)</td> <td style="width: 50%; text-align: right;">Federal Requirements 300.130; 300.550-300.556</td> </tr> </table> | State Regulations 28.06(2)(a) | Federal Requirements 300.130; 300.550-300.556 |
| State Regulations 28.06(2)(a) | Federal Requirements 300.130; 300.550-300.556 | | |
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| Rating: Not Implemented | District Response Required: Yes | | |

Department of Education Findings:

Placement for all special education students consists of only one option, "study skills." Consequently, the students are placed in general education classes for the rest of the day by default: they are placed there not as a result of discussion of their needs but rather because "study skills" is the only service offered by the district.

| CRITERION NUMBER | |
|---------------------|---|
| | Legal Standard |
| <p>SE 21</p> | <p>School day and school year requirements</p> <ol style="list-style-type: none"> 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. 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. 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. 4. Specialized transportation schedules do not impede a student’s access to a full school day and program of instruction. 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. 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 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. 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>State Regulations 28.05(4) Chapter 69, section 1G</p> <p style="text-align: right;">Federal Requirements 300.309(b)</p> |
| | <p>Rating: Implemented District Response Required: No</p> |

| CRITERION NUMBER | |
|---------------------|---|
| | Legal Standard |
| <p>SE 22</p> | <p>IEP implementation and availability</p> <ol style="list-style-type: none"> 1. Where the IEP of the student in need of special education has been accepted in whole or in part by that student's parent, the school district provides the mutually agreed upon services without delay. 2. At the beginning of each school year, the district has an IEP in effect for each |

| CRITERION NUMBER | |
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| | Legal Standard |
| | <p>eligible student within its jurisdiction.</p> <p>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.</p> <p>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.</p> <p>State Regulations 28.05(7)(b); 28.06(2)(b)(2)</p> <p>Federal Requirements 300.342</p> |
| | <p>Rating: Partially Implemented District Response Required: Yes</p> |

Department of Education Findings:

Once the parent accepts the IEP, the services do begin immediately as described. However, the general education teachers do not receive more than a list of students in their classes who are on IEPs. Consequently those teachers are not implementing in their classrooms the accommodations delineated on page 2 of the IEP. Most teachers have the special education teachers in the “study skills” class carry out what should be done in the general education classroom.

| CRITERION NUMBER | |
|---------------------|---|
| | Legal Standard |
| <p>SE 23</p> | <p>Confidentiality of personally identifiable information 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>State Regulations 603 CMR 23.00 (Student Records Regulations)</p> <p>Federal Requirements 300.560-576; Family Educational Rights and Privacy Act (FERPA)</p> |
| | <p>Rating: Implemented District Response Required: No</p> |

| CRITERION NUMBER | CIVIL RIGHTS METHODS OF ADMINISTRATION II. STUDENT IDENTIFICATION AND PLACEMENT |
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| | Legal Standard |
| MOA 1 | <p>Identification of limited English proficient students 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> |
| | Rating: Partially Implemented District Response Required: Yes |

Department of Education Findings:

Although no students with limited English proficiency now attend McCann, the district needs to provide greater detail concerning its procedures and responsible person(s) and how they relate to the protocol model used by the North Adams Public Schools.

| CRITERION NUMBER | Legal Standard |
|-------------------------|---|
| MOA 2 | <p>Program modification for limited English proficient students Placement and program modification for limited English proficient students 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> |
| | Rating: Partially Implemented District Response Required: Yes |

Department of Education Findings:

Although no students with limited English proficiency now attend McCann, the district needs to provide greater detail concerning its procedures and responsible person(s) and how relate to the protocol model used by the North Adams Public Schools.

| CRITERION NUMBER | Legal Standard |
|-------------------------|--|
| MOA 3 | <p>Access to a full range of education programs 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> |

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| CRITERION NUMBER | |
| | Legal Standard |
| | Title II, Title VI, Title IX, S. 504, MGL, Ch.76, Section 5 |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 4 | <p>Placement of linguistic, racial minority and female/male students Patterns of placement in district programs and services for disabled students, linguistic and racial minority students, and females are consistent with those for non-disabled students, linguistic and racial majority students, and males; enrollment in honors courses, especially math and science honors courses, is inclusive of both females and males and of students from diverse ethnic and cultural groups. Title VI; Title IX; S. 504; MGL, Ch.76, Section 5</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 5 | <p>Placement of disabled students in occupational/vocational education programs When occupational/ vocational placement needs of disabled students are being considered:</p> <ul style="list-style-type: none"> 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 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. <p>Title II, S. 504</p> |
| | Rating: Partially Implemented District Response Required: Yes |

Department of Education Findings:

The district does not have an array of services to facilitate necessary program modifications for disabled students to accommodate either 504 plans or Individual Educational Programs.

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 6 | <p>Availability of in-school programs for pregnant students 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> |
| | Rating: Partially implemented District Response Required: Yes |

Department of Education Findings:

Although pregnant students are allowed to remain in school, there is no written policy that describes the students' rights and options.

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| CRITERION NUMBER | TITLE 1 II. STUDENT IDENTIFICATION AND PLACEMENT |
| | Legal Standard |
| TI 5 | <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> |
| | Rating: Partially Implemented District Response Required: Yes |

Department of Education Findings:

The district does have multiple, objective and educationally related criteria for selecting students, but it lacks a process to assess each student according to these criteria. Thus it is currently impossible to create a rank order list that will ensure that eligible students who are most at risk receive Title I services.

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| CRITERION NUMBER | |
| | Legal Standard |
| TI 6 | <p>Targeted Assistance Schools: preschool through grade 2 students are selected based on teacher judgment, parental interviews and developmentally appropriate measures.</p> |

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| CRITERION NUMBER | |
| | Legal Standard |
| | 1115 (b)(1)(B) ESEA,IASA |
| | Rating: Not Applicable District Response Required: No |

Department of Education Findings:

The Title I program provides services to students in grades 9 –12.

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| CRITERION NUMBER | |
| | Legal Standard |
| TI 7 | 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 |
| | Rating: Partially Implemented District Response Required: Yes |

Department of Education Findings:

Documentation and interviews provided no indication that parents are involved in developing these criteria.

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| CRITERION NUMBER | |
| | Legal Standard |
| TI 8 | 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 |
| | Rating: Not Implemented District Response Required: Yes |

Department of Education Findings:

The district does not have any policies in place to address this issue should the situation arise.

| CRITERION NUMBER | |
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| | Legal Standard |
| TI 9 | <p>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.</p> <p>1115(b)(2)(A)(i); 200.63 (c)(3)(ii) (Federal Register) CFR</p> |
| | <p>Rating: Partially Implemented District Response Required: Yes</p> |

Department of Education Findings:

Students who are receiving special education services are being identified as needing Title I services as well. However, interviews indicated that many special needs students are automatically assigned to the Title I program when their IEP provides for reading or language arts support. The Title I program cannot be a substitute for the specialized instruction that should be delivered by the special education program.

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)

| CRITERION NUMBER | SPECIAL EDUCATION III. PARENTAL INVOLVEMENT | |
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| | Legal Standard | |
| SE 24 | <p>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</p> <ol style="list-style-type: none"> 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. 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. 3. Notice is given by the district within a reasonable time for all other actions. 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 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 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. 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. <p>State Regulations 28.04(1)</p> <p>Federal Requirements 300.503(a)</p> | |
| | Rating: Partially Implemented | District Response Required: Yes |

Department of Education Findings:

The district does not follow the required process for evaluation and does not use all of the forms approved for implementation of parts 2 and 3 of this criterion.

| CRITERION NUMBER | SPECIAL EDUCATION III. PARENTAL INVOLVEMENT | |
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| | Legal Standard | |
| SE 25 | <p>Parental consent</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"> 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 program. Written parental consent is obtained before conducting a reevaluation | |

| CRITERION NUMBER | |
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| | <p style="text-align: center;">Legal Standard</p> <p>and before placing a student in a special education placement subsequent to the initial placement in special education.</p> <ol style="list-style-type: none"> 2. The school district obtains consent before initiating extended evaluation services. 3. The school district obtains consent to the services proposed on a student's IEP before providing such services. 4. The school district obtains consent prior to placing a student in an initial special education placement and for any subsequent placement. 5. A parent is informed that consent may be revoked at any time. Except for initial evaluation and initial placement, consent may not be required as condition of any benefit to the child. 6. When the participation or consent of the parent is required and the parent fails or refuses to participate, the attempts to secure the consent of the parent are implemented through multiple attempts using a variety of methods which are documented by the district. Such efforts may include letters, written notices sent by certified mail, electronic mail (e-mail), telephone calls, or, if appropriate, TTY communications to the home, and home visits at such time as the parent is likely to be home. Efforts may include seeking assistance from a community service agency to secure parental participation. 7. If, subsequent to initial evaluation and initial placement and after following the procedures required by the regulations, the school district is unable to obtain parental consent to a reevaluation or to placement in a special education program subsequent to the initial placement, or the parent revokes consent to such reevaluation or placement, the school district considers with the parent whether such action will result in the denial of a free appropriate public education to the child. If, after consideration, the school district determines that the parent's failure or refusal to consent will result in a denial of a free appropriate public education to the student, it seeks resolution of the dispute through Special Education Appeals <p>State Regulations 28.07(1)</p> <p style="text-align: right;">Federal Requirements 300.500(b)(1)</p> |
| | <p>Rating: Partially Implemented District Response Required: Yes</p> |

Department of Education Findings:

According to the student record review, the only approved form used to document parental consent is the IEP. The other approved forms are not used: there were either no forms at all or unapproved forms in the records.

| CRITERION NUMBER | |
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| | Legal Standard |
| SE 26 | <p>Parent participation in meetings</p> <ol style="list-style-type: none"> 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. 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. 3. The district schedules the meeting at a mutually agreed upon time and place; and documents such efforts. 4. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls, or video conferencing. 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. <p>State Regulations 28.02(22)</p> <p>Federal Requirements 300.345(d), 300.501</p> |
| | <p>Rating: Partially Implemented District Response Required: Yes</p> |

Department of Education Findings:

Parents and students are invited to Team meetings, but in cases where the parents are unable to attend the meeting the district does not document its efforts to get them to participate, as required by part 5.

| CRITERION NUMBER | |
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| | Legal Standard |
| SE 27 | <p>Content of Team meeting notice to parents</p> <ol style="list-style-type: none"> 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. 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. <p>State Regulations 28.04(1)(b)</p> <p>Federal Requirements 300.503-504</p> |
| | <p>Rating: Partially Implemented District Response Required: Yes</p> |

Department of Education Findings:

A review of student records indicated that the district has not been using the approved form for the

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| CRITERION NUMBER | |
| | Legal Standard |
| | Rating: Partially Implemented District Response Required: Yes |

Department of Education Findings:

Although the district does not now have any students or parents to whom this criterion would apply, it has no policy describing the process it would use should it have any in the future.

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 30 | <p>Elements of notice of parents' rights 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>State Regulations Federal Requirements MGL c. 71B, Sec. 3 300.503-504</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 31 | <p>State and district responsibility for educational surrogate parents</p> <ol style="list-style-type: none"> 1. When a student is without parental representation and requires an educational surrogate parent to be appointed in accordance with federal law and regulations, 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. 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. 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 . 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 |

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| CRITERION NUMBER | | | |
| | Legal Standard | | |
| | expenses related to the exercise of his or her responsibilities as an educational surrogate parent for a student enrolled in the district. | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Regulations 28.07(7)</td> <td style="width: 50%;">Federal Requirements 300.515</td> </tr> </table> | State Regulations 28.07(7) | Federal Requirements 300.515 |
| State Regulations 28.07(7) | Federal Requirements 300.515 | | |
| | Rating: Implemented District Response Required: No | | |

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| CRITERION NUMBER | | | |
| | Legal Standard | | |
| SE 32 | <p>Parent advisory council for special education</p> <ol style="list-style-type: none"> 1. The school committee has established a parent advisory council on special education. 2. Membership on the council is offered to all parents of children with disabilities and other interested parties. 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. 4. The parent advisory council has established by-laws regarding officers and operational procedures. 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. 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 parents and guardians under the state and federal special education laws and makes written materials explaining such rights available upon request. | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Regulations Chapter 71B, sec. 1C; 28.07(4)</td> <td style="width: 50%;">Federal Requirements</td> </tr> </table> | State Regulations Chapter 71B, sec. 1C; 28.07(4) | Federal Requirements |
| State Regulations Chapter 71B, sec. 1C; 28.07(4) | Federal Requirements | | |
| | Rating: Partially Implemented District Response Required: Yes | | |

Department of Education Findings:

The district had its first PAC meeting this past academic year in an attempt to generate interest from parents whose children are on IEPs.

| CRITERION NUMBER | CIVIL RIGHTS METHODS OF ADMINISTRATION III. PARENTAL INVOLVEMENT |
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| | Legal Standard |
| MOA 7 | <p>General information and materials in languages other than English 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>Rating: Partially Implemented District Response Required: Yes</p> |

Department of Education Findings:

Although no students with limited English proficiency now attend McCann, the district needs to provide greater detail concerning its procedures and responsible person(s) and how they relate to the protocol model used by the North Adams Public Schools.

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

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| CRITERION NUMBER | TITLE 1 III. PARENTAL INVOLVEMENT |
| | Legal Standard |
| | Rating: Partially Implemented District Response Required: Yes |

Department of Education Findings:

Interviews with staff and parents indicated that although the district does provide parents with MCAS information, district personnel do not understand their responsibility for involving parents in the planning, implementation, and review of the Title I program.

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| CRITERION NUMBER | d |
| | Legal Standard |
| TI 11 | 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 |
| | Rating: Not Implemented District Response Required: Yes |

Department of Education Findings:

The review of documentation revealed that there are no written parent involvement policies.

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| CRITERION NUMBER | |
| | Legal Standard |
| TI 11A | 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) |
| | Rating: Not Implemented District Response Required: Yes |

Department of Education Findings:

A review of the documentation and interviews indicated that the district has made no effort to develop training for the parents of Title I students or to provide them with informational sessions.

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| CRITERION NUMBER | |
| | Legal Standard |
| TI 11B | Parents of Title I students have equal opportunity to be represented on local School Councils. The Education Reform Act of 1993 |
| | Rating: Implemented District Response Required: No |

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)

| CRITERION NUMBER | SPECIAL EDUCATION IV. CURRICULUM AND INSTRUCTION | |
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| | Legal Standard | |
| SE 33 | <p>Involvement in the general curriculum</p> <ol style="list-style-type: none"> 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. 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. 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. 4. In the IEP the district documents the student's participation in the general curriculum. <p>State Regulations 28.05(4)(a) and (b)</p> <p>Federal Requirements 300.347(a)(1)(i); 300.137</p> | |
| | Rating: Partially Implemented | District Response Required: Yes |

Department of Education Findings:

As a result of the flawed process by which the flawed process by which IEPs are developed develops IEPs developed, there is no thoughtful discussion of how students will participate in the general curriculum with the necessary accommodations and modifications, as required by part 3 of this criterion.

| CRITERION NUMBER | SPECIAL EDUCATION IV. CURRICULUM AND INSTRUCTION | |
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| | Legal Standard | |
| SE 34 | <p>Continuum of alternative services and placements</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> <p>State Regulations</p> <p>Federal Requirements 300.551;300.305; 300.123</p> | |
| | Rating: Not Implemented | District Response Required: Yes |

Department of Education Findings:

Other than the “study skills” program the district offers no special education instructional services. This program does not provide specialized instruction and is consequently not special education. There is one student with cerebral palsy who receives physical therapy in the form of stretching exercises in the mornings before school.

| CRITERION NUMBER | |
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| | Legal Standard |
| SE 35 | <p>Specialized materials and assistive technology</p> <ol style="list-style-type: none"> 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. 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. <p>State Regulations Federal Requirements 34 CFR 300.308, 34 CFR 300.346</p> |
| | <p>Rating: Not Implemented District Response Required: Yes</p> |

Department of Education Findings:

Assistive technology, as it relates to students’ needs for specialized instruction, is not discussed at Team meetings. Nor is it described in students’ IEPs as needed or provided by the district.

| CRITERION NUMBER | |
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| | Legal Standard |
| SE 36 | <p>IEP implementation, accountability and financial responsibility</p> <ol style="list-style-type: none"> 1. The district ensures that IEPs are implemented without delay upon parent consent. 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. 3. The district makes a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP. 4. The district provides all programs and services without expense to the child’s parents. 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 |

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| CRITERION NUMBER | | | |
| | Legal Standard | | |
| | provided at no cost to the parents. | | |
| | <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 |
| State Regulations 28.06(3) | Federal Requirements 300.142; 300.350 | | |
| | Rating: Partially Implemented District Response Required: Yes | | |

Department of Education Findings:

The district does not presently have a procedure or process in place, which oversees the full implementation of each IEP.

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 37 | <p>Procedures for approved and unapproved out-of-district placements</p> <ol style="list-style-type: none"> 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. 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. 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 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. 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). 5. <u>Use of unapproved programs</u>: A school district that places a student in a program |

| CRITERION NUMBER | |
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| | Legal Standard |
| | <p>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"> 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. 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. 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. 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 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. 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 |

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| CRITERION NUMBER | | | |
| | Legal Standard | | |
| | <p>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> | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Regulations 28.02(13), 28.06(3)</td> <td style="width: 50%;">Federal Requirements 300.2(c)</td> </tr> </table> | State Regulations 28.02(13), 28.06(3) | Federal Requirements 300.2(c) |
| State Regulations 28.02(13), 28.06(3) | Federal Requirements 300.2(c) | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Rating: Not Applicable</td> <td style="width: 50%;">District Response Required: No</td> </tr> </table> | Rating: Not Applicable | District Response Required: No |
| Rating: Not Applicable | District Response Required: No | | |

Department of Education Findings:

The district is a regional, selective secondary vocational school and is not required to place students in out-of-district placements if the Team deems it appropriate.

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 38 | <p>Educational services in institutional settings (ESIS) <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 amount of special education and related services that it provides in such facilities. <u>School district responsibility</u>:</p> <ol style="list-style-type: none"> 1. The district implements its responsibilities to students in institutional settings by acting on requests for evaluation, issuing proposed IEPs in a timely manner, and providing special education and/or related services in accordance with state and federal law. 2. Where a student's IEP requires a type or amount of service that the facility does not provide, it remains the responsibility of the parent's school district to implement the student's IEP by arranging and paying for the provision of such service(s). |

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| CRITERION NUMBER | | | | | |
| | Legal Standard | | | | |
| | <p>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> | | | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Regulations</td> <td style="width: 50%;">Federal Requirements</td> </tr> <tr> <td>28.03(e)</td> <td>300.450-300.462</td> </tr> </table> | State Regulations | Federal Requirements | 28.03(e) | 300.450-300.462 |
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| 28.03(e) | 300.450-300.462 | | | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Rating: Not Applicable</td> <td style="width: 50%;">District Response Required: No</td> </tr> </table> | Rating: Not Applicable | District Response Required: No | | |
| Rating: Not Applicable | District Response Required: No | | | | |

Department of Education Findings:

The district is a regional, selective secondary vocational school and is not bound by the requirements of this criterion.

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 40 | <p>Instructional grouping requirements for students aged five and older</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, 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</p> |

| CRITERION NUMBER | CIVIL RIGHTS METHODS OF ADMINISTRATION IV. CURRICULUM AND INSTRUCTION |
|------------------|---|
| | Legal Standard |
| MOA 8 | <p>Accessibility of extra curricular activities Extra curricular activities sponsored by the district are non-discriminatory in that:</p> <ol style="list-style-type: none"> 1. the school provides equal opportunity for male and female students to participate in intramural and interscholastic sports 2. 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>Title II; Title IX ; S. 504; MGL, Ch.76, Section 5</p> |
| | Rating: Implemented District Response Required: No |

| CRITERION NUMBER | |
|------------------|--|
| | Legal Standard |
| MOA 9 | <p>Promotional, recruitment, and employment practices of prospective employers of students 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> <ol style="list-style-type: none"> 1. depicting students from both sexes and under represented groups in all pictorial representations 2. making clear in written materials that all options are open to students regardless of race, color, sex, religion, national origin, sexual orientation or disability 3. requiring employers recruiting at the school to sign a statement that they do not discriminate in hiring or employment practices <p>Title I, Title VI, Title IX, S. 504, MGL, Ch.76, Section 5</p> |
| | Rating: Implemented District Response Required: No |

| CRITERION NUMBER | TITLE 1 IV. CURRICULUM AND INSTRUCTION |
|------------------|---|
| | Legal Standard |
| | |

| CRITERION NUMBER | TITLE 1 IV. CURRICULUM AND INSTRUCTION |
|--------------------|---|
| | Legal Standard |
| TI 12 - TAS | 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 |
| | Rating: Partially Implemented District Response Required: Yes |

Department of Education Findings:

Although services are designed to assist students in meeting the expectations of the general education curriculum and the state curriculum frameworks, the district does not have a process to assess student progress. Consequently, students receiving Title I service do not receive either grades or progress reports measuring their achievement. Additionally, schedules have not been established for all the students for receiving Title I services.

| CRITERION NUMBER | TITLE 1 IV. CURRICULUM AND INSTRUCTION |
|--------------------|---|
| | Legal Standard |
| TI 13 - TAS | 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 |
| | Rating: Implemented District Response Required: No |

| CRITERION NUMBER | TITLE 1 IV. CURRICULUM AND INSTRUCTION |
|--------------------|---|
| | Legal Standard |
| TI 14 - TAS | 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 |
| | Rating: Not Implemented District Response Required: Yes |

Department of Education Findings:

All students receiving Title I services are pulled out of their related theory classes during the alternating shop week. Interviews indicated that the district has not attempted to plan and implement

an in-class model.

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| CRITERION NUMBER | |
| | Legal Standard |
| TI 14A - TAS/SWP | The school district provides opportunities for Title I students to participate in extended day/week/year programs and activities that may be funded through the integration of district resources. 1115(c)(1)(D)(i) ESEA, IASA |
| | Rating: Implemented District Response Required: No |

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)

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|-------------------------|--|
| CRITERION NUMBER | |
| | Legal Standard |
| | <ol style="list-style-type: none"> 1. All students, including eligible students with disabilities, receive prior written notice regarding the school’s Code of Conduct. 2. The school’s Code of Conduct includes required procedural safeguards such as opportunity for a hearing (per Goss v. Lopez). 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. 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. 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. <p>State Regulation MGL c. 76, sec. 16-18 Chapter 71, section 37 H</p> <p style="text-align: right;">Federal Requirements 300.519-300.529</p> |
| | Rating: Partially Implemented District Response Required: Yes |

Department of Education Findings:

The district does not have procedures in place, which meet the requirements of parts 3-5 of this criterion.

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 46 | <p>Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district</p> <ol style="list-style-type: none"> 1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement. 2. Prior to a suspension that constitutes a change in placement of a student with disabilities, the Team convenes <ol style="list-style-type: none"> a. to develop or review a functional behavioral assessment of the student’s behavior to modify a behavior intervention plan or develop an assessment plan; b. to identify appropriate alternative educational setting(s); and 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?) |

| CRITERION NUMBER | |
|-------------------------|---|
| | Legal Standard |
| | <p style="text-align: center;">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> <ul style="list-style-type: none"> a. if the behavior involves weapons or illegal drugs or another controlled substance while at school or a school function; or 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 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>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>State Regulations Federal Requirements 300.519-300.528</p> |
| | <p>Rating: Partially Implemented District Response Required: Yes</p> |

Department of Education Findings:

Although interviews indicated that meetings are held after six days of suspensions, the district has no policy describing the process, those staff members who are responsible, or the possible outcomes.

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| CRITERION NUMBER | |
| | Legal Standard |
| | 5. health services 6. transportation 7. recess and physical education, including adapted physical education 8. athletics and recreational activities 9. school-sponsored groups or clubs 10. meals State Regulations 28.06(5) |
| | Federal Requirements 300.121; 300.300-313 |
| | Rating: Implemented |
| | District Response Required: No |

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|-------------------------|---|
| CRITERION NUMBER | |
| | Legal Standard |
| SE 49 | Related services 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: 1. speech-language pathology and audiology services 2. psychological services 3. physical therapy 4. occupational therapy 5. recreation, including therapeutic recreation 6. early identification and assessment of disabilities in children 7. counseling services, including rehabilitation counseling 8. orientation and mobility services (peripatology) 9. medical services for diagnostic or evaluation purposes 10. school health services 11. social work services in schools, and 12. parent counseling and training. State Regulations 28.02(19) |
| | Federal Requirements 300.24 |
| | Rating: Partially Implemented |
| | District Response Required: Yes |

Department of Education Findings:

As mentioned in earlier findings, the process by which IEPs are developed is flawed. Consequently, students' need for related services cannot be appropriately considered. Other than the physical therapy provided to one student before school, the district provides no related services.

| CRITERION NUMBER | CIVIL RIGHTS METHODS OF ADMINISTRATION V. STUDENT SUPPORT SERVICES |
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| | Legal Standard |
| | <p>X notified that all programs, activities and employment opportunities are offered without regard to race, color, sex, religion, national origin, sexual orientation and disability</p> <p>X given the name(s), address(es) and telephone number(s) of Title VI, Title IX and Section 504 coordinator(s)</p> <p>Title VI; Title IX; S. 504; MGL, Ch.76, Section 5</p> |
| | Rating: Partially Implemented District Response Required: Yes |

Department of Education Findings:

The names of those responsible for the coordination and implementation of Title VI, Title IX and Section 504 are absent from all publications.

| CRITERION NUMBER | |
|------------------|---|
| | Legal Standard |
| MOA 11 | <p>Publication of notices of non-discrimination 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> |
| | Rating: Implemented District Response Required: No |

| CRITERION NUMBER | |
|------------------|---|
| | Legal Standard |
| MOA 12 | <p>Grievance procedures 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> |
| | Rating: Partially Implemented District Response Required: Yes |

Department of Education Findings:

Although the district has a practice for dealing with grievances, it does not have a published policy clearly setting forth the procedures and possible outcomes.

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 13 | <p>Availability of information to prospective occupational/vocational students 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>Rating: Implemented District Response Required: No</p> |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 14 | <p>Counseling materials and activities free from bias and stereotypes 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"> X encourage students to consider programs of study, courses, extracurricular activities, and occupational opportunities on the basis of individual interests, abilities, and skills X examine testing materials for bias and counteract any found bias when administering and interpreting test results X communicate effectively with limited English-proficient and disabled students and facilitate their access to all programs and services offered by the district X support students in non-traditional educational and occupational pursuits for their gender <p>Title II, Title VI; Title IX; S. 504; MGL, Ch.76, Section 5</p> |
| | <p>Rating: Implemented District Response Required: No</p> |

| CRITERION NUMBER | |
|------------------|--|
| | Legal Standard |
| MOA 15 | <p>Non-discriminatory administration of scholarships, prizes and athletic awards 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"> 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 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 <p>Title VI; Title IX; S. 504; MGL, Ch.76, Section 5</p> |
| | Rating: Implemented District Response Required: No |

| CRITERION NUMBER | |
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| | Legal Standard |
| MOA 16 | <p>Notice to students who have left or are about to leave school without a high school diploma 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"> a. their attendance is voluntary; b. their right to meet with a school representative to discuss the reasons for withdrawal; c. their rights to return to school; and d. all program options available to them. <p>MGL, Ch. 76, S.18</p> |
| | Rating: Not Implemented District Response Required: Yes |

Department of Education Findings:

The district does not provide these students with a full disclosure of their rights and options as required by parts a-d of this criterion.

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 17 | <p>Codes of conduct and student handbooks</p> <ol style="list-style-type: none"> 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. 2. The district has complaint resolution procedures that include the disciplinary measures that may be imposed upon students who harass or discriminate. 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>Title VI, Title IX, Section 504, MGL, Ch.76, Section 5</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 17A | <p>Use of physical restraint on any student enrolled in a publicly funded education program</p> <ol style="list-style-type: none"> 1. The district has developed and implemented staff training at least annually on the use of restraint consistent with regulatory requirements. 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. 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. 4. The district has developed and implemented reporting requirements and procedures for administrators, parents and the Department of Education consistent with the regulations. 5. The district has developed and implemented any applicable individual waiver procedures consistent with the regulations. <p>603 CMR 46.00</p> |
| | Rating: Not Implemented District Response Required: Yes |

Department of Education Findings:

Interviews indicated that this training is scheduled for September 2002.

| CRITERION NUMBER | TITLE 1 V. STUDENT SUPPORT SERVICES |
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| | Legal Standard |
| TI 15 | <p>The program design serves to supplement, not supplant:</p> <ul style="list-style-type: none"> • regular education • special education • transitional bilingual education • services for low incidence limited-English proficient students. <p>200.63 (Federal Register) CFR; 1115 (b)(2)(ii) ESEA,IASA</p> |
| | Rating: Partially Implemented District Response Required: Yes |

Department of Education Findings:

The Title I program does supplement regular education. Yet, as presented in the finding for TI 9, students requiring special education services are automatically placed in Title I. Consequently, Title I is supplanting the service that should be delivered by special education.

| CRITERION NUMBER | |
|------------------|--|
| | Legal Standard |
| TI 16 | <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> |
| | Rating: Not Applicable District Response Required: No |

Department of Education Findings:

There are no non-public schools or neglected or delinquent facilities within the school district.

| CRITERION NUMBER | |
|------------------|--|
| | Legal Standard |
| TI 17 | <p>The Title I service provided in non-public schools and N or D facilities are equivalent to those provided in public schools and minimize the use of pullout program models.</p> <p>1120(a), 200.10 (a) (Federal Register) CFR; 200.11(b) (Federal Register) CFR</p> |
| | Rating: Not Applicable District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| CRITERION NUMBER | |
| | Legal Standard |
| TI 18 | <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"> • what the school will do to help the student meet the standards; • what the family can do to help the student improve performance; and • additional assistance for the student at the school or elsewhere in the community. <p>1114(b)(1)(H)(iii)</p> |
| | Rating: Implemented District Response Required: No |

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)

| CRITERION NUMBER | SPECIAL EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION |
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| | Legal Standard |
| SE 50 | <p>Responsibilities of the School Principal and Administrator of Special Education <u>Principal:</u></p> <ol style="list-style-type: none"> 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. 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. 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. 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 |

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 52 | <p>Appropriate certifications or other credentials -- related services 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>State Regulations 28.02(3)</p> <p>Federal Requirements 300.23; 300.24; 300.136</p> |
| | Rating: Partially Implemented District Response Required: Yes |

Department of Education Findings:

As previously stated, the district’s process for developing IEPs is flawed; consequently there are virtually no related services being delivered in the district (one student receives physical therapy). If related services were to be deemed necessary by a Team after the TEAM process is revised, the district would have to ensure that the service providers were properly credentialed.

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 53 | <p>Use of paraprofessionals</p> <ol style="list-style-type: none"> 1. Paraprofessionals and assistants (e.g., teacher aides, tutors and student teachers) are appropriately trained to assist in providing special education or related services. 2. Persons employed as paraprofessionals and assistants do not design instruction for students with disabilities but are expected to implement instruction under the supervision of an appropriately certified or licensed professional who is proximate and readily available to provide such supervision. <p>State Regulations</p> <p>Federal Requirements 300.136(f)</p> |
| | Rating: Not Applicable District Response Required: No |

Department of Education Findings:

The district does not use paraprofessionals in the delivery of special education services.

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| CRITERION NUMBER | CIVIL RIGHTS METHODS OF ADMINISTRATION VI. FACULTY, STAFF AND ADMINISTRATION | |
| | Legal Standard | |
| | 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. Title I, Title VI, Title IX, S. 504 | |
| | Rating: Implemented | District Response Required: No |

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| CRITERION NUMBER | | |
| | Legal Standard | |
| MOA 19 | Employment application and interview procedures Job application forms and interview questions conform to requirements regarding pre-employment inquiries of a candidate's race, ethnicity, age, marital and parental status, national origin, physical attributes, religious background, health, health history and physical or mental condition. Title I, Title VI, Title IX, S. 504 | |
| | Rating: Implemented | District Response Required: No |

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| CRITERION NUMBER | | |
| | Legal Standard | |
| MOA 20 | Non-discriminatory personnel policies and procedures District personnel policies and procedures are free of discrimination and bias in the following areas: <ol style="list-style-type: none"> 1. employee hiring, upgrading, award of tenure, demotion, return from layoff and retirement are the same for both sexes 2. employee pay schedules and rates of other compensation for all job categories provide equal pay for equal work 3. 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. Title I, Title VI, Title IX, S. 504 | |
| | Rating: Implemented | District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 21 | <p>Staff training regarding civil rights responsibilities 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> |
| | Rating: Not Implemented District Response Required: Yes |

Department of Education Findings:

The district does not comply with the requirements of this criterion.

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| CRITERION NUMBER | TITLE 1 VI. FACULTY, STAFF AND ADMINISTRATION |
| | Legal Standard |
| TI 19 | <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> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| TI 20 | <p>Teacher aides work under the direct supervision and in close proximity of certified teachers who are employed in that capacity.</p> <p>1119 (D)(1)(c) ESEA,IASA</p> |
| | Rating: Not Applicable District Response Required: No |

Department of Education Findings:

The Title I program does not fund teacher aides.

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| CRITERION NUMBER | |
| | Legal Standard |
| TI 21 | Professional development activities: <ul style="list-style-type: none"> • 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 • are provided to all of the district's instructional staff who serve Title I eligible students. 1119 (b)(1)(A) ESEA,IASA |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| TI 22 | 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). |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| TI 23 | 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 |
| | Rating: Implemented District Response Required: No |

Department of Education Findings:

The Northern Berkshire Vocational Regional School has been identified as a school in need of improvement based on the end of cycle 1 MCAS results. These ratings for TI 23, 25, and 26 are reflective of that status.

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)

| CRITERION NUMBER | SPECIAL EDUCATION VII. SCHOOL FACILITIES |
|-------------------------|--|
| | Legal Standard |
| SE 55 | <p>Special education facilities and classrooms</p> <ol style="list-style-type: none"> 1. The school district provides facilities and classrooms for eligible students which maximize the inclusion of such students into the life of the school; 2. provide accessibility in order to implement fully each child's IEP; 3. are at least equal in all physical respects to the average standards of general education facilities and classrooms; and 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. <p>State Regulations 28.03(b)</p> <p>Federal Requirements Section 504 of the Rehabilitation Act of 1973</p> |
| | <p>Rating: Implemented District Response Required: No</p> |

| CRITERION NUMBER | CIVIL RIGHTS METHODS OF ADMINISTRATION VII. SCHOOL FACILITIES |
|-------------------------|--|
| | Legal Standard |
| MOA 22 | <p>Accessibility of district programs and services for students with limited physical mobility</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> |
| | <p>Rating: Implemented District Response Required: No</p> |

| CRITERION NUMBER | |
|-------------------------|---|
| | Legal Standard |
| MOA 23 | <p>Comparability of facilities and programs 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> <ol style="list-style-type: none"> 1. 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; 2. 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. <p>Title II, Title VI, Title IX, S. 504, MGL, Ch. 76, Section 5</p> |
| | <p>Rating: Implemented District Response Required: No</p> |

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)

| CRITERION NUMBER | SPECIAL EDUCATION VIII. PROGRAM PLAN AND EVALUATION |
|------------------|--|
| | Legal Standard |
| SE 56 | <p>Special education programs and services are evaluated</p> <ol style="list-style-type: none"> 1. Special education programs, services and administrative areas are regularly evaluated. 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. 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. 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. <p>State Regulations Chapter 71B Chapter 71, sec. 59C</p> <p style="text-align: right;">Federal Requirements 300.137</p> |
| | <p>Rating: Not Implemented District Response Required: Yes</p> |

Department of Education Findings:

The district does not comply with the requirements of this criterion.

| CRITERION NUMBER | CIVIL RIGHTS METHODS OF ADMINISTRATION VIII. PROGRAM PLAN AND EVALUATION |
|------------------|--|
| | Legal Standard |
| MOA 24 | <p>Curriculum review process</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</p> |
| | <p>Rating: Implemented District Response Required: No</p> |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 25 | <p>Institutional self-evaluation 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.</p> <p>Title VI; Title IX; S. 504; MGL, Ch.76, Section 5</p> |
| | Rating: Not Implemented District Response Required: Yes |

Department of Education Findings:

The district does not comply with the requirements of this criterion.

| | |
|-------------------------|---|
| CRITERION NUMBER | TITLE 1 VIII. PROGRAM PLAN AND EVALUATION |
| | Legal Standard |
| TI 24 | <p>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.</p> <p>1115 (c)(2)(B); IASA 1114 (b)(1)(A) ESEA,IASA</p> |
| | Rating: Implemented District Response Required: No |

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|-------------------------|---|
| CRITERION NUMBER | |
| | Legal Standard |
| TI 24A | <p>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.</p> <p>1115 (c)(2)(B)ESEA, IASA</p> |
| | Rating: Partially Implemented District Response Required: Yes |

Department of Education Findings:

Individual components of the program are evaluated as a request for data , but the complete Title I program is not evaluated annually.

| CRITERION NUMBER | |
|------------------|--|
| | Legal Standard |
| TI 25 | <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> |
| | Rating: Partially Implemented District Response Required: Yes |

Department of Education Findings:

The documentation reviewed indicated that the school improvement plan has not been updated, nor are there any plans to do so.

| CRITERION NUMBER | |
|------------------|--|
| | Legal Standard |
| TI 26 | <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"> • 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.); • (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 • 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. <p>1116(c)(4) and (5) ESEA, IASA 2763A-32 of P.L. 106-554 (Education Appropriations Act, 2001)</p> |
| | Rating: Implemented District Response Required: No |

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)

| CRITERION NUMBER | SPECIAL EDUCATION IX. RECORD KEEPING | |
|------------------|---|--|
| | Legal Standard | |
| SE 57 | <p>Special education child count</p> <ol style="list-style-type: none"> 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. 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. 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. <p>State Regulations 603 CMR 23.00</p> <p>Federal Requirements 300.750-754; 300.145; 300.560-300.577; Family Educational Rights and Privacy Act (FERPA); 300.133</p> | |
| | Rating: Partially Implemented | District Response Required: Yes |

Department of Education Findings:

Although the children included in the child count do have current, accepted IEPs, there was no evidence to document that those children are in fact eligible for special education, since the district has not followed the Department's procedure for disability determination.

| CRITERION NUMBER | SPECIAL EDUCATION IX. RECORD KEEPING | |
|------------------|---|--|
| | Legal Standard | |
| SE 58 | <p>Federal Special Education Entitlement Grant</p> <ol style="list-style-type: none"> 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. 2. 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. 3. Appropriate local administrators monitor the entitlement grant in an ongoing manner to ensure its full implementation as the Department of Education has | |

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| CRITERION NUMBER | |
| | Legal Standard |
| | <p>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>State Regulations 28.03(1)(e)</p> <p style="text-align: right;">Federal Requirements 300.230; 300.340-300.500</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | TITLE 1 IX. RECORD KEEPING |
| | Legal Standard |
| TI 27 | <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> |
| | Rating: Not Applicable District Response Required: No |

Department of Education Findings:
There are no split-funded staff members in the district.

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| CRITERION NUMBER | |
| | Legal Standard |
| TI 28 | <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> |
| | Rating: Implemented District Response Required: No |

| CRITERION NUMBER | |
|---------------------|--|
| | Legal Standard |
| <p>TI 29</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>Rating: Implemented District Response Required: No</p> |

| CRITERION NUMBER | |
|----------------------|---|
| | Legal Standard |
| <p>TI 29A</p> | <p>Federal Title I Grant:</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>Rating: Implemented District Response Required: No</p> |

APPENDIX:
SCHOOL DISTRICT PROFILE INFORMATION

The school district 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. The information 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/>. More detailed information on each school within the district is also available at this Web site.

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.

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.

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.

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.

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

People

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

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.

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

File Name:

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Program Review Final Report 2002

Last Revised on:

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Prepared by:

DAM, DWK; edited by CS