

July 12, 2002

William L. Ryan  
Superintendent of Schools  
16 Charter Rd.  
Acton, MA. 01720

Re: Onsite Follow-up Monitoring Report: Coordinated  
Program Review Corrective Action Plan and  
Special Education Mid-cycle Review Verification

Dear Superintendent Ryan:

Enclosed is the Department's Coordinated Program Review Follow-up Monitoring Report together with findings regarding your district's Special Education Mid-cycle Review. This report contains the Department's findings based on the onsite activities conducted in your school district to verify the implementation status and effectiveness of corrective steps taken in response to your Coordinated Program Review Report issued on June 16, 1999.

While the Department of Education found certain noncompliance issues to be resolved, others were partially corrected, not addressed at all and/or new issues were identified by the Department's onsite team. In areas where the district has failed to implement fully its approved Corrective Action Plan, the Department views these findings to be serious.

As the Department previously informed you, in cases where a district fails to fully and effectively implement a Corrective Action Plan, which was proposed by your district and approved by the Department, the Department must then prepare a Corrective Action Plan for the district, which must be implemented without further delay. You will find these requirements for corrective action included in the attached report together with any steps that must be taken by the district to fully implement new special education requirements. Please provide the Department with your written assurance that the Department's requirements for corrective action will be implemented by your school district within the timelines specified. Your statement of assurance must be submitted to the Department's Onsite Chairperson by August 2, 2002. Failure to implement the Department's Corrective Action Plan within required timelines may result in the loss of funds to the district and/or other enforcement action by the Department of Education.

Your staff's cooperation throughout these Follow-up Monitoring activities is appreciated. Should you require additional clarification of information included in our report, please do not hesitate to contact the Onsite Team Chairperson at 781-338-3731.

Sincerely,

Donna Feinberg, Coordinated Program Review Follow-up Chairperson  
Program Quality Assurance Services

John D. Stager, Administrator  
Program Quality Assurance Services

c: David P. Driscoll, Commissioner of Education  
Mary Ann Ashton, School Committee Chairperson, Acton Public School Schools  
Marie Altieri, School Committee Chairperson, Acton-Boxborough Regional District  
Nancy Kolb, District Program Review Follow-up Coordinator  
Encl.: Follow-up Monitoring Report

**MASSACHUSETTS DEPARTMENT OF EDUCATION  
COORDINATED PROGRAM REVIEW**

**Acton Public Schools  
Acton-Boxborough Regional School District**

**ONSITE VERIFICATION OF CORRECTIVE ACTION PLAN IMPLEMENTATION  
AND/OR IDENTIFICATION OF ADDITIONAL FINDINGS REQUIRING CORRECTIVE ACTION**

**Action Plan Submitted on July 29, 1999  
Progress Reports Submitted on September 27, 2000, May 2 and August 1, 2002  
Onsite Visit Conducted on May 28-31, 2002  
Date of this Report July 12, 2002**

<b>Criterion Number and Topic from CPR Final Report</b>	<b>Corrective Action Plan Determined to be <u>Substantially Implemented</u></b>  √	<b>Method(s) of Verification</b>	<b>Comments Regarding Corrective Action Plan Implementation</b>	<b>Corrective Action Plan Determined to be <u>Not Fully Implemented</u> or <u>Additional Issues Identified</u></b>  √	<b>Findings Regarding Incomplete Implementation of Approved Corrective Action Plan or Identification of Additional Issues of Noncompliance</b>	<b>Further Corrective Action Ordered by the Department of Education and Timelines for Implementation</b>
SE 1 Assessment	Partial	Student Record Review  Interviews Documentation	The district provides comprehensive initial and reevaluations that are completed within the 30-day mandated timeline.	Partial	The district does not always provide knowledgeable interpreters and/or bilingual evaluators for students with limited English proficiency for initial special education evaluations.	Provide a plan and procedures regarding the provision of assessments to students in their native language. Submit a memorandum sent to chairpersons, principals and key personnel regarding the above plan and procedures. Identify personnel responsible for accessing the services.  Submit a list of resources available to access for document translation, interpretation and/or bilingual evaluation

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						Documentation due by <b>November 15, 2002</b> . Provide a list of students who were assessed in their native language for the 02-03 SY, the native language of the student and the types of assessments conducted and the name of the interpreter/evaluator used. Submit by <b>July 8, 2003</b> .

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<p>SE 2 Required Assessments</p>	<p>Partial</p>	<p>Student Record Review  Documentation</p>	<p>The district provides parents with a comprehensive description for the assessments to be conducted and the evaluators to be used for initial and reevaluations. Completed assessment packets are available to parents two days prior to the IEP Team meeting.</p>	<p>Partial</p>	<p>The student records indicate that parents, whose primary language is other than English, are not provided with document translations and the use of knowledgeable interpreters. . In the documentation, there was one evaluation consent form sent to parents in Spanish. However, the primary language of the home was listed as English in the student register.</p>	<p>Please provide a copy of the district's revised policy for the provision of translated documents and interpreters Provide a plan and procedures for identifying those parent(s) who need translation assistance, document translation and knowledgeable interpreters in their native language. Also develop a way to monitor the accurate reporting of the primary language of the home on the current student register. Submit a memorandum sent to chairpersons, principals and key personnel regarding the above policy, plan and procedures. Submit a list of resources available to access for document translation and interpretation. Documentation by <b>November 15, 2002</b>. Provide samples of the documents translated and a list of parents who required the provision of document translation and interpretation for the 02-03 SY. Documentation by <b>July 8, 2003</b>.</p>

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SE 6 Transition	Yes	Student Record Review  Documentation	The district submitted procedures for transitional planning for eligible students. Students, 14 years and older, are invited and attend their IEP Team meetings. The district addresses transitional planning and the individual student's concerns, visions and interests in the IEP. In addition, other agencies are involved in the transition process, when necessary.			
SE 7 Age of Majority	Yes	Student Record Review	The district provided evidence that letters regarding the transfer of parental rights were sent to parents and students. in the 01-02 SY.			

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SE 8 Team Composition	Partial	Student Record Review	The district includes the required Team meeting participants on the meeting notice.	Partial	There is not always a representative who can commit the resources of the district and/or a regular education teacher in attendance at IEP Team meeting. In addition, attendance sheets are not always signed by the required Team participants, who are in attendance at the Team meeting.	Submit revised procedures regarding the participation of the required Team meeting participants consistent with federal and state regulations. Submit a memorandum sent to chairpersons, principals and key personnel regarding the above procedures. Documentation by <b>November 15, 2002</b> . Submit a random sample of copies of signed attendance sheets for annual, initial and re-evaluation Team meetings including six from each level: elementary, middle and high school for the 02-03 SY by <b>March 8, 2003</b> . Provide second submission of above attendance sheets for February-June 2003 Team meetings by <b>July 8, 2003</b> .
SE 11 Independent Educational Evaluation	Yes	Documentation  Student Record Review	The district policy and procedures are implemented consistent with the current regulation 603 CMR 28.04(5).			

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SE 12  Re-evaluations	Partial	Student Record Review  Interviews	The district implements re-evaluation procedures for all eligible students. Chairpersons have procedures in place to track the provision of re-evaluations for each in-district and out-of-district student.	Partial	The student record review showed that re-evaluations were exceeding the mandated timeline for students both in and out of district.	Provide a plan to track and monitor the provision of re-evaluations for all students with in the mandated timelines. . Submit a memorandum sent to chairpersons and key personnel regarding the tracking plan. <b>Documentation by November 15, 2002.</b> Submit the results of a review of the district's adherence to the mandated timelines for re-evaluations for the 02-03 SY by <b>July 8, 2003.</b>

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SE 13 Progress Reports	Partial	Student Record Review  Documentation	The district provides progress reports to students, which address the required questions.	Partial	The student record review showed inconsistent documentation of progress reports system-wide.	Submit a plan to monitor the issuing of progress reports and the documentation of progress reports in the student record system-wide and the person(s) responsible for monitoring the compliance. Provide a schedule for the issuing of progress reports at the elementary level. Documentation by <b>November 15, 2002</b> . Provide results of a review of a random sample of student records for evidence of progress reports consistent with the report card cycle by <b>July 8, 2003</b> .

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<p>SE 14 Annual Reviews</p>	<p>Partial</p>	<p>Student Record Review</p>	<p>The district implements annual review procedures for all eligible students. Chairpersons have procedures in place to track the provision of annual reviews for each in-district and out-of-district student</p>	<p>Partial</p>	<p>The student record review showed that annual reviews were not always conducted on or before the anniversary date for students both in and out of district.</p>	<p>Provide a plan to track and monitor the completion of annual reviews for all students prior to the expiration of the existing IEP. Submit a memorandum sent to chairpersons and key personnel regarding the tracking plan. Documentation by <b>November 15, 2002.</b> Submit the results of a review of the district's adherence to the timely completion of annual reviews for the 02-03 SY by <b>July 8, 2003.</b></p>

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SE 18 A IEP Development	Partial	Student Record Review  Documentation	The district provided policies, procedures and forms to guide personnel through the IEP process. The district has implemented the current mandated IEP process and procedures system-wide regarding the development of the IEP and the determination of placement.	Partial	The student record review showed that system-wide, the service delivery grid did not specify the personnel used to provide the services. The state regulation 603 CMR 28.06(2)(d)(1) states that the school district must identify specific instructional personnel. In addition, there was inconsistent documentation of the ED1, the eligibility determination form in the student records.	Submit revised procedures regarding the designation of personnel providing services on the service delivery grid and the documentation of the eligibility determination form in the student records. Provide memorandum sent to chairpersons and key personnel regarding the above policy and procedures. Documentation by <b>November 15, 2002</b> . Submit random sample of copies of service delivery grids for proposed IEPs from initials, re-evaluations and annuals including three from each level: preschool, elementary, middle and high school. Documentation by <b>March 8, 2003</b> . Provide second submission by <b>July 8, 2003</b> .

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<p>SE 18B Determination of Placement And Provision of IEP to Parent</p>	<p>Partial</p>	<p>Student Record Review</p> <p>Interviews</p> <p>Documentation</p>	<p>Refer to the corrective action implemented for SE 18 A.</p>	<p>Partial</p>	<p>The proposed IEP and the determination of placement were not always provided to the parent within the mandated timelines. There was documentation of a summary of the proposed IEP being provided to parent(s) at the conclusion of the Team meeting and a Team meeting summary, which is used in lieu of page 2 of the N1 form. However, these district forms were inconsistently completed. The determination of placement form did not always document the type of placement. There is a two -tiered level of review, in place in the district In addition, on the pre-school level the purpose for the convening of the IEP Team is not always clearly stated.</p>	<p>Please submit a system-wide plan to track the provision of the proposed IEP and the written notice(N1) to the parent within the current mandated timeframe and the key personnel responsible for the monitoring. Review with chairpersons and special education case managers the need for complete information on the following forms: summary of the proposed IEP, the Team meeting summary and the determination of placement form. Documentation by <b>November 15, 2002</b>. Submit the results of a review from September-January regarding system-wide compliance with the above regulation for provision of the proposed IEP and the reporting of required information on the summary and placement forms by <b>March 8, 2003</b>. Provide second submission for a review conducted from February-June by <b>July 8, 2003</b>.</p>

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SE 20 Least Restrictive Environment	Yes	Student Record Review  Interviews  Documentation	The district considers the least restrictive environment for students through Team discussion at IEP meetings.			
SE 21 Extended School Year	Yes	Student Record Review  Documentation	The district appropriately considers extended school/year for a student through Team discussions at IEP meetings			

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<p>SE 22 IEP Implementation</p>	<p>Partial</p>	<p>Student Record Review</p>	<p>The district implements the student's IEP services without delay upon receipt of signed parental consent.</p>	<p>Partial</p>	<p>It was difficult, in some cases, to track what IEP was being implemented and whether that IEP addressed the student's current needs and services due to a variety of issues: late provision of the proposed IEP, several IEP Amendments, some signed and some unsigned IEPs, students moving from one level to another with unsigned, outdated IEPs. In addition, the documented progress reports, sometimes, reported on a proposed IEP that was not consented to by the parent.</p>	<p>Provide a plan and procedures to track and monitor the status regarding parent consent or rejection of a proposed IEP and/or placement. Develop procedures for staff to implement when a current IEP has expired and the proposed IEP is outstanding /or rejected. Submit copies of both procedures and evidence of their distribution to chairpersons, principals and key personnel. Documentation by <b>November 15, 2002.</b> Provide the results of a review conducted to determine compliance with each of the above criteria. Documentation by <b>March 8, 2003.</b> Provide second submission of the above review from February-June 2003 by <b>July 8, 2003.</b></p>

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SE 25 Parent Consent	Partial	Student Record Review	The district demonstrates compliance with federal and state regulations in obtaining written parental consent prior to conducting an evaluation, providing initial services or making an initial placement.	Partial	Refer to the finding in SE 22.  The district did not always document attempts made to secure written parental consent., In some cases, the district had unsigned IEPs for over a year’s duration without evidence of attempts made to obtain consent or to consider whether the parent’s refusal or failure to respond resulted in the denial of a free and appropriate public education	Refer to the corrective action for SE 22.
SE 26 Parent Participation	Yes	Student Record Review	The district has high parent participation at IEP meetings and makes multiple attempts to reschedule, when necessary.			

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SE 28  Provision of IEP		Student Record Review	Refer to SE 18 B regarding the implementation of this criterion.	Partial	Refer to previous finding in SE 18B.	Refer to corrective action ordered in SE 18B.
SE 29  Communications	Partial	Student Record Review	The district provided samples of district handbooks and school informational notices translated into Portuguese, Russian, Spanish, Chinese and Vietnamese for parents whose primary language is other than English.	Partial	The district did not provide evidence that parents whose primary language is other than English are provided with knowledgeable interpreters and document translation throughout the IEP process.  Refer to the finding in SE 2.	See SE 2.

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SE 30 Parents Rights Brochure	Yes	Student Record Review  Documenta- tion	The district provided a copy of current Parents Rights Brochure and copies of the brochure translated into Russian and Portuguese.			
SE 32  Parent Advisory Council	Yes	Documenta- tion	The district submitted copies of agendas from workshops, presentation materials and newsletter regarding Parent Advisory Council(PAC) activities. In addition, the PAC chairperson submitted a copy of the current membership list.			

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<p>SE 33 General Curriculum</p>	<p>Yes</p>	<p>Student Record Review</p>	<p>The district provides full access to students with disabilities to the general curriculum and the student's participation is documented in the individual student's IEP.</p>			
<p>SE 34 Continuum Of Services</p>	<p>Yes</p>	<p>Student Record Review  Interviews</p>	<p>The district provided a written description of continuum of services available to students with disabilities system-wide. The on-site team noted that there was not a full description of all services offered at the secondary level evident in the district's description. Submit a full description of services and programs provided at the secondary level by <b>November 15, 2002.</b></p>			

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SE 35  Assistive Technology	Yes	Student Record Review  Documentation	The district provided lists of assistive technology devices/materials/equipment purchased for students. Some of the student records verified that the Team considered the use of assistive technology for the individual student.			
SE 37  Approved and Unapproved Placements	Yes	Student Record Review  Documentation	The district implements the required procedures consistent with the state regulations.			

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SE 39  Private School Students at Private Expense	Partial	Documenta- tion	The district submitted a list of private schools that are notified regarding the provision of special education services to eligible students.	Partial	The district did not submit a list of eligible students who are attending private schools at private expense.	Submit a list of eligible students for the 01-02 SY, including the type of services provided and the date and type of Team meeting conducted. <b>By November 15, 2002.</b> Submit second submission of the above list of students and a copy of the notice sent to private schools for the 02-03 SY by <b>July 8, 2003.</b>

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SE 49 Counseling	Partial	Student Record Review  Interviews	The district provides counseling services to the individual student if determined necessary by the Team through the IEP process.	Partial	Based on a review of a sample of student records at the secondary level, students identified by the Team as needing counseling, receive identical services provided in the identical manner. The service delivery grids did not appropriately reflect individual counseling provided outside the classroom. In addition, counseling goals in the IEP were not always addressed in the progress reports.	The district must conduct a review the IEPs for secondary level students who are receiving counseling services. In those cases where students' IEPs reflect counseling services delivered in the classroom, then the IEP Team should review each student's existing service delivery to see if it comports with each individual's identified need. Please provide the results of the review and indicate the number of IEPs which were amended. Documentation by <b>March 8, 2002</b> . Submit copies of the progress reports that address counseling for ten secondary level students receiving counseling service in the 02-03 SY. Documentation by <b>July 8, 2003</b> .

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SE 49A  Transportation	Yes	Student Record Review  Documentation	The district considers and provides specialized transportation to the individual student if determined necessary by the Team through the IEP process			
SE 50  Curriculum Accommodation Plans	Yes	Student Record Review  Documentation	The district submitted curriculum accommodation plans that addressed, system-wide, the regular education support services, the instructional intervention processes and the building based evaluation processes to determine the effectiveness of the regular education services and programs and to identify any areas of need.			

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<p>SE 54 Professional Development</p>	<p>Yes</p>	<p>Documentation</p>	<p>The district provided professional development booklets for the 01-02 and 02-03 SYs that verified the comprehensive in and out of district offerings available for professional and paraprofessional staff.</p>			
<p>603 CMR 28.08(3)(b) Notification to the Bureau of Special Education Appeals</p>	<p>Partial</p>	<p>Documentation</p>		<p>Partial</p>	<p>The district does not always notify the Bureau of Special Education Appeals (BSEA) of a rejected IEP. In addition, the notification regarding rejected IEPs are not always sent within five days after receipt to the Bureau of Special Education Appeals.</p>	<p>Provide a copy of policy and procedures to implement and monitor this requirement consistent with the state regulation. Submit a memorandum sent to chairpersons and key personnel regarding the above policy and procedures. <b>Documentation by November 15, 2002.</b> Provide the results of a review of rejected IEPs regarding notification to the BSEA in accordance with 603 CMR 28.08(3)(b) for the 02-03 SY by <b>July 8, 2003.</b></p>

<b>Criterion Number and Topic from CPR Final Report</b>	<b>Corrective Action Plan Determined to be <u>Substantially Implemented</u></b>  ✓	<b>Method(s) of Verification</b>	<b>Comments Regarding Corrective Action Plan Implementation</b>	<b>Corrective Action Plan Determined to be <u>Not Fully Implemented</u> or <u>Additional Issues Identified</u></b>  ✓	<b>Findings Regarding Incomplete Implementation of Approved Corrective Action Plan or Identification of Additional Issues of Noncompliance</b>	<b>Further Corrective Action Ordered by the Department of Education and Timelines for Implementation</b>
MOA 10  Notification of staff and public	Yes	Documenta- tion	All the district's handbooks contain the full nondiscrimination clause and identify the names and contact information for the district's Title VI, Title IX and 504 Coordinators.			
MOA 17A  Use of Physical Restraint	Yes	Documentation	The district submitted a restraint policy, procedures and forms that have developed and approved by the School Committee. There are district trainers in place that have provided training to building based teams. The building based teams have presented information regarding the regulations on the use of physical restraint and the requirements to the personnel in their building.			