



Marblehead Community Charter Public School

COORDINATED PROGRAM REVIEW DRAFT REPORT OF FINDINGS

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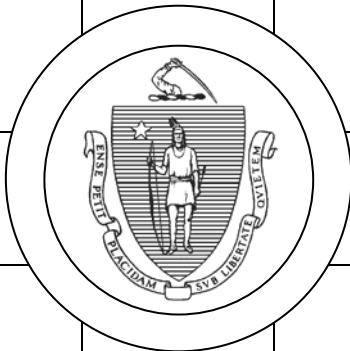
Action Plan Due: May 1, 2007

Department of Education Onsite Team Members:

Judy Miller

Bridget Ziniti

Robert Bozarjian, Chairperson



David P. Driscoll, Commissioner of Education

**MASSACHUSETTS DEPARTMENT OF EDUCATION
COORDINATED PROGRAM REVIEW**

Marblehead Community Charter Public School

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MASSACHUSETTS DEPARTMENT OF EDUCATION

COORDINATED PROGRAM REVIEW REPORT

Marblehead Community Charter Public School

OVERVIEW OF COORDINATED PROGRAM REVIEW PROCEDURES

As one part of its Accountability System, the Department of Education oversees local compliance with education requirements through the Coordinated Program Review System (CPR). All reviews include the following selected requirements:

- special education under the federal Individuals with Disabilities Education Act (IDEA-2004), and M.G.L. Chapter 71B (Chapter 766 of the Acts of 1972). Note that until regulations under IDEA-2004 are final, the Department has the responsibility of enforcing regulations under IDEA-1997 that do not conflict with IDEA-2004; therefore both IDEA-1997 regulations and sections of IDEA-2004 are cited in the special education standards.
- federal civil rights requirements under Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990, together with related state requirements under M.G.L. Chapter 76, Section 5 (Chapter 622 of the Acts of 1971) and other Massachusetts General Laws.
- targeted standards from the Board of Education's Physical Restraint regulations (603 CMR 46.00).
- targeted standards from the Board of Education's Student Learning Time regulations (603 CMR 27.00).
- targeted standards from the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001 (included in the No Child Left Behind Act of 2001).
- provisions of M.G.L. c. 71A, the state law that governs the provision of education to limited English proficient students. Note that due to the voters' approval in 2002 of an initiative petition entitled "Question 2," M.G.L. c. 71A has been significantly amended. Under the amended Chapter 71A, limited English proficient students, now referred to as "English learners," must be provided instruction in sheltered English immersion or two-way bilingual programs unless they have received a waiver. As a result of this change in the law, the Department's Coordinated Program Review standards under Chapter 71A were significantly revised for the 2003-2004 school year. All districts that enroll limited English proficient students will be reviewed using these updated standards during the 2005-2006 school year.

Additional program areas reviewed during the Coordinated Program Review visits in selected districts may include:

- Title I of the Elementary and Secondary Education Act of 1965, including other related grants funded by the No Child Left Behind Act of 2001;
- Safe and Drug-Free Schools and Communities Act;
- Career and Technical Education requirements under the federal Perkins Vocational and Technical Education Act and M.G.L. c. 74;
- Innovative assistance programs funded under Title V of the No Child Left Behind Act; and
- Nutrition Programs and Services.

The Department's 2005-2006 schedule of Coordinated Program Reviews is posted on the Department's web site at <<<http://www.doe.mass.edu/pqa/review/cpr/schedule.html>>>. The statewide six-year

Program Review cycle together with the Department's Mid-cycle Special Education follow-up monitoring schedule is posted at <<<http://www.doe.mass.edu/pqa/review/cpr/6yrcycle.html>>>.

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 Department staff members, together with any necessary outside consultants, conducts a Coordinated Program Review over two to ten days in a school district or charter school.

Scope: Each school district and charter school in the Commonwealth is scheduled to receive a Coordinated Program Review every six years and a mid-cycle special education follow-up visit three years after the Coordinated Program Review; about seventy school districts and charter schools are scheduled for Coordinated Program Reviews in 2005-2006.

Content: The Program Review criteria encompass the required elements for the specific program areas. In the case of special education, the elements selected for the 2005-2006 reviews contain, at a minimum, those required by the federal Office for Special Education Programs (OSEP) and revised requirements included under IDEA-2004 as described in the Department's Special Education Advisories. Additionally, the 2005-2006 reviews incorporate state special education requirements as adopted by the Board of Education and effective on July 1, 2005. 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 and intended to promote high standards and achievement for all students.

Report: The Department's report is based on a review of written documentation and data 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 and other interviews as requested by persons from the general public.
- Student record reviews in the program areas of special education, English learner education (c. 71A), Career and Technical Education, and Section 504 (student accommodation plans). A representative sample of student records is selected by the Department. Student records are examined by the onsite team using standard Department student record review procedures to make determinations regarding the implementation of procedural and programmatic requirements. Parents of students with disabilities whose files are selected for the record review, as well as the parents of an equal number of other students with disabilities, are sent a survey that solicits information regarding their experiences with the district's implementation of special education programs, related services and procedural requirements; parents of students with limited English proficiency whose files are selected for the record review are sent a survey of their experiences with the district's implementation of the English learner education program and related procedural requirements.

- Classroom and facilities observation. The onsite team visits a sample of instructional classrooms and other school facilities used in the delivery of programs and services to determine general levels of compliance with program requirements.

Collaborative programs and services. Where the district is a member of a collaborative approved by the Department of Education and is a site for programs or services operated by the collaborative, interviews, student record review, and classroom and facility observations are conducted for the collaborative.

Ratings. The onsite team gives a rating for each compliance criterion it reviews; those ratings are “Commendable,” “Implemented” (meaning at least substantially implemented), “Implementation in Progress,” “Partially Implemented,” “Not Implemented” (meaning at least substantially not implemented), and “Not Applicable or Not Rated.” “Implementation in Progress” is used for criteria containing new legal requirements and means that the district has implemented any old requirements contained in the criterion and is either training staff or beginning to implement the new requirements in such a way that the onsite team anticipates that the new requirements will be implemented by the end of the school year.

Findings. The onsite team includes a finding for each criterion that it rates “Commendable,” “Partially Implemented,” or “Not Implemented,” explaining the basis for the rating. It may also include findings for other criteria.

Executive Summary. Organized by the report components described on the next page, the Executive Summary summarizes the report’s major findings for each program reviewed

Response: Where criteria are not implemented fully, the local district or charter school must propose corrective actions to bring those areas into compliance with the respective statutes or regulations. These corrective actions are subject to the Department’s review and approval. **School districts and charter schools must demonstrate effective resolution of noncompliance identified by the Department as soon as possible but in no case later than one year from the issuance of the Department’s Final Program Review Report.**

The Department believes that the Coordinated Program Review process is a positive experience and that the Final Report is a helpful planning document for the continued development and improvement of programs and services in each school district, charter school, and educational collaborative.

REPORT INTRODUCTION

A three-member Massachusetts Department of Education team visited the Marblehead Community Charter Public School during the week of February 13, 2006, to evaluate the implementation of selected criteria in the program areas of Special Education, English Language Learner Education, Methods of Administration and Nutrition. The team appreciated the opportunity to interview staff and parents, to observe classroom facilities and to review the programs underway in the district. The onsite team would like to commend the following areas that were brought to its attention and that it believes have a significant and positive impact on the delivery of educational services for students enrolled in the Marblehead Community Charter Public School. These areas are as follows:

The Marblehead Community Charter Public School's (MCCPS) commitment to promoting the inclusion of all students in the academic classrooms and in the extra curricular activities of the school.

The establishment of a Community Partnership Coordinator who works with the community to form community/school partnerships that provide schoolwide and group student enrichment activities.

The efforts the MCCPS makes to communicate with parents and to involve parents in all aspects of their child's community school experience.

The development of the school based Communicating Understanding through Evidence (CUE) program that enables a student to check on his/her academic progress via the Internet. Parents are also able to access the CUE program to check on the current progress their child is making.

Some of the commendations noted above are repeated within the body of the Department's report under the appropriate compliance criteria.

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 six administrative staff.
- Interviews of 15 teaching and support services staff across all levels.
- Interviews of two parent advisory council (PAC) representatives.
- Interviews as requested by persons from the general public.
- Student record reviews: the Department selected a sample of 15 student records. Student records were first examined by local staff, whose findings were then verified by the onsite team using standard Department of Education student record review procedures to make determinations regarding the implementation of procedural and programmatic requirements.
- Parent surveys: Thirty 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. Twenty-six 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 five 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 plans.

COORDINATED PROGRAM REVIEW REPORT

EXECUTIVE SUMMARY

Marblehead Community Charter Public School

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

Component I: Assessment of Students

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 Charter School has a system in place that identifies and provides evaluation and assessments that are appropriate and administered in a timely manner. The procedures also enable parents to request and obtain independent evaluations as the need arises. The results of all evaluative data enable the TEAM to determine the student's instructional needs and to develop an Individualized Education Program (IEP) that addresses those needs. In general, the charter school does a very good job ensuring that it meets all of the required timelines relative to the completion of the evaluations and the development of the student's IEP. Several parents have indicated their concern that the MCCPS has not been able to provide individual student support in academic areas when it appears that the inclusion support model has not been effective. In particular, in-school counseling and mathematics support have been identified as issues of concern. There is also concern that the MCCPS has not been able to conduct occupational therapy (OT) assessments in a timely manner and conversely not able to determine and provide OT services to students as may be necessary. The school is in the process of reviewing and attempting to resolve these concerns. An outside agency has been contacted and will be addressing the occupational therapy issues and the school is planning to offer a summer mathematics support program.

Component II: Student Identification and Program Placement

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

In accordance with its charter, the MCCPS uses a lottery system that gives first preference to the children of Marblehead residents and does not discriminate based on special needs. Following the selection of entering students, the Charter School identifies those incoming students with special needs and attempts to provide all the required services as indicated in their current IEPs. In addition, students may be identified, evaluated and determined eligible for special education services after they have been enrolled at the school. The MCCPS provides an inclusion model that offers in-class support in the core subjects to all students. This full inclusion model has been quite successful for some students with special needs who in the past have felt left out of the mainstream. However, there have also been occasions where a student may require more intense one-on-one academic or in-school counseling

support. In response, the school provides further academic support through small group and one-to-one tutorials at the end of the school day. Students also have access to a variety of enrichment programs offered at the end of the school's academic day. Unfortunately, the MCCPS does not employ the services of a licensed and qualified school adjustment counselor or social worker and does not currently offer in-school counseling as a related service. A continuing challenge facing the MCCPS is how to assure they can meet the individual special education needs of all students while also maintaining their commendable practice of full inclusion.

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?

Currently the school has identified one English Language Learner (ELL) and is providing English as a Second Language support to the student. Although the student's first language is Russian, the language of the home is English and the school has good communication with the family. Parent questionnaires and interviews clearly indicate that communication with the home and parents is an important aspect of the charter school program. The charter school has developed a computer-based reporting system that parents with a confidential password are able to access through the internet. This Communicating Understanding through Evidence or CUE system enables parents and students to access and check on current student progress report information. Communication with the home is always encouraged whether it be in school meetings, contact via telephone, or communication through electronic mail. It is not uncommon for parents to join their children for morning meeting and breakfast or lunch.

Community involvement is important to the school as evidenced through the establishment of a Community Partnership and Enrichment Coordinator position. Many of the parents, as well as other community representatives, volunteer to teach the enrichment classes that are offered to MCCPS students during the latter part of the school day. The Marblehead business community is involved in special events at the school, as evidenced during our onsite review when a local restaurant not only provided the school lunch but also incorporated an interactive nutritional, cultural, and geographic presentation to the students and visiting parents during the school lunch period. Since its inception, the MCCPS has embraced parent and community involvement as a key element in its plans for student success.

The special education department at the charter school works closely with the parents of children with special needs and has been able to improve the communication between the parents and the school. The MCCPS has a special education parent advisory council that meets regularly and recognizes the need for more specific training for staff regarding the identity of the diagnosis and the different types of learning disabilities.

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 district's programs based on the Massachusetts Curriculum Frameworks? Has the district provided for coordination across program areas?

Curriculum and instruction standards at the MCCPS are maintained at high levels for all students and are based on the Massachusetts Curriculum Frameworks. The school continues to

maintain a 12:1 student to teacher ratio as part of its commitment to support the full inclusion model and to promote high expectations and standards for all students. The faculty is able to meet regularly and works closely to coordinate and integrate grade level projects within a school-wide global theme. The project-based nature of the curriculum enables students to learn at an individual but progressive rate. Evidence of this is in the individual student projects that are curriculum based and culminate in each student presenting their project to parents and guests during an “Exhibition Night” scheduled at the end of each trimester. The exhibition of students work is also the theme for the following day as students are able to show and share their projects with other students. The academic skill level necessary to complete and present a project will vary with each student and requires the coordination and support of staff members across program areas. The MCCPS has established a set of school-wide academic goals and standards that are incorporated through all grades and an inclusion model that provides opportunities for all students to learn.

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 MCCPS makes efforts to provide equal access and enable the participation of all students in its programs and services. The philosophy of full inclusion and the strong spirit of belonging to a school community has enabled some special needs students to feel a comfort level that did not exist in their previous school experiences. However, the high expectations and standards for all students present some challenges for the school in terms of ensuring that individual support services, including academic and related services, are available to students with learning disabilities. The school staff is well trained and works creatively to provide students with the curriculum accommodations and in-class support to promote the inclusion model. Despite these commendable efforts to provide in-class supports there are occasions when a student’s learning needs are so involved that they do not appear to be making the necessary gains to achieve success in the inclusion classroom. The MCCPS does provide academic support to these students during afternoon enrichment time. Despite these efforts, there have been occasions when a student’s special needs are so intense that even with the supports that are in place the student may not be able to meet the program’s standards. To its credit the MCCPS is aware of all of its students, including those who continue to struggle, and is continually looking for ways to provide the supports that will ensure the success of all students.

Component VI: Faculty, Staff and Administration

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

The professional staff at the MCCPS are provided with professional development and appear to have the necessary experience to be doing an effective job in their area of expertise. However, not all professional staff has the required licensure in their assigned program areas. The use of paraprofessionals to support classroom and school activities is appropriate as the aides are well trained and do receive supervision from the administrative staff and the assigned classroom teachers. The MCCPS has a cohesive administrative leadership team lead by the head of school and the assistant head of the school, both who have been with the MCCPS since its charter was initially approved in 1995. The personnel procedures are non-

discriminatory and the school has been able to attract some very talented professional staff from both within and outside of the community. The special education department has undergone a transition in leadership this past year and the new special education director has provided capable leadership and support and has melded well within the organization.

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 MCCPS is a facility that is accessible to all students. The school provides an inclusion model that is commendable in its ability to maximize integration and include all students in the life of the school. This commitment to inclusion is admirable, yet the school does struggle to find the time and maintain a balance with regard to the one-on-one support needs of the individual student. All students start their day together for breakfast and morning meeting with the school staff in the community room. At this time parents and other members of the community at large may well also join them. The entire school community meets again at lunch in the community room where special events that are of interest to the students are integrated with curriculum and may be the theme of the day. Classrooms and learning areas are equal in all respects and one would not be able to distinguish between general and special education facilities. The MCCPS is a community school and facility that is highly conducive to learning and strives to promote an equal opportunity for all of its students to learn.

Component VIII: Program Plan and Evaluation

Does the district evaluate its programs in accordance with statutory and regulatory requirements? Does it use the results of its evaluations to improve programs? Do parents have opportunities for input on program needs, program implementation, and program evaluation and improvement?

The MCCPS attempts to evaluate its programs in accordance with statutory and regulatory requirements. The MCCPS staff meets regularly to review programs and to review student achievement. Changes have been made when deemed necessary to foster continued program and student improvement. The school is in the process of completing an indoor gymnasium to improve physical and health education programming. In the past year students completed Individual Learning Plans. An evaluation of that process indicated that student interest in their plans would wane as the year progressed. As a result, the school changed from individual learning to achievement plans that called for more focused follow-up and included more parent involvement in the process. Noting a concern with special needs students who transfer from the 8th grade at the charter school to begin freshman year at their selected high school, the MCCPS is proposing the development of a resources portfolio that it believes will strengthen student support and their transition to high school.

Parent involvement is high and parent concerns are genuinely considered as part of the school's program evaluation and improvement process. The school's strong commitment to the inclusion model and acceptance of all students has led to an increase in the special education population. In terms of program evaluation and student needs this has become quite a challenge as the school continues to grapple with how and whether it can effectively meet the individual needs of some children. The school has plans to include an additional support staff member and will be looking at this report for guidance as it plans to improve its services to all students.

It is clear that the MCCPS has made a number of changes, additions, and other program

improvements based on the needs of the school and the community. These improvements were implemented based on enrollment projections and other related program and student evaluative information and data. The MCCPS appears to be committed to continuous improvement through program plan and evaluation and is meeting the statutory and regulatory requirements.

Component IX: Record keeping

Does the district maintain required records and documentation for each program area? Are entitlement grants appropriately designed, amended, and locally monitored? Does the district use federal grant funds in accordance with statutory fund-use rules, including “supplement not supplant” provisions where applicable? Does the district meet applicable maintenance of effort requirements?

The special education, civil rights (MOA), and English Language Learner records and documentation were organized in an orderly manner and contained all the required information. While the nutrition records were also presented in an orderly fashion, they were not always complete. However, the school is in the process of receiving technical assistance and providing the necessary documentation to complete the nutrition files. The district uses funds in accordance with fund-use rules and is not subject to the maintenance of effort requirements.

Marblehead Community Charter Public School

**SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT
REQUIRING CORRECTIVE ACTION PLAN DEVELOPMENT
in response to the following
COORDINATED PROGRAM REVIEW REPORT FINDINGS**

| PROGRAM AREA | PARTIALLY IMPLEMENTED | NOT IMPLEMENTED | OTHER CRITERIA REQUIRING RESPONSE |
|--|--|------------------------|--|
| Special Education | SE 2, SE 32, SE 36, SE 48, SE 49, SE 51, SE 52 | | |
| Civil Rights and Other General Education Requirements | MOA 21 | MOA 6, MOA 6B | |
| English Learner Education | ELE 5, ELE 15 | | |
| Nutrition Programs and Services | NS 1, NS 2 | | |

NOTE THAT ALL OTHER CRITERIA REVIEWED BY THE DEPARTMENT THAT ARE NOT MENTIONED ABOVE HAVE RECEIVED AN “IMPLEMENTED” OR “NOT APPLICABLE or NOT RATED” RATING.

**DEFINITION OF TERMS FOR COMPLIANCE RATINGS
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 in all important aspects. |
| Implementation in Progress | The requirement includes one or more new federal special education (IDEA-2004) requirements that became effective during the 2005-2006 academic year. The district or charter school has substantially implemented any pre-July 1, 2005 requirements also included under the criterion and is currently engaged in staff training and/or is beginning implementation practices for new requirements which the Department's onsite team anticipates will result in substantial compliance by the end of the 2005-2006 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 or Not Rated | The requirement does not apply to the school district or charter school. |

Several key areas of compliance with federal special education requirements and one area under civil rights requirements have been highlighted in **SHADED TEXT** in the Program Review Criteria. These shaded areas are being monitored under the Massachusetts Special Education State Performance Plan and/or reported on in the state's Annual Performance Report, both mandated by the Office of Special Education Programs of the U.S. Department of Education. Some of these highlighted areas may also be areas that the Department of Education is closely monitoring because of concerns identified through a

statewide special education steering committee needs assessment. School districts are reminded that although CPR activities may focus in certain key areas, the Department has the legal obligation under its general supervisory responsibilities to review any or all special education requirements as it deems necessary.

SPECIAL EDUCATION

**LEGAL STANDARDS,
COMPLIANCE RATINGS AND
DETAILED FINDINGS**

| CRITERION NUMBER | SPECIAL EDUCATION I. ASSESSMENT OF STUDENTS | |
|------------------|--|---|
| | Legal Standard | |
| SE 1 | <p data-bbox="407 443 1365 506"><u>Assessments are appropriately selected and interpreted for students referred for evaluation</u></p> <ol style="list-style-type: none"> <li data-bbox="407 510 1401 1308">1. Tests and other evaluation materials are: <ol style="list-style-type: none"> <li data-bbox="597 541 802 573">a. validated <li data-bbox="597 577 1292 609">b. administered and interpreted by trained individuals <li data-bbox="597 613 1344 676">c. tailored to assess specific areas of educational need and related developmental needs <li data-bbox="597 680 1308 743">d. selected and administered to reflect aptitude and achievement levels and related developmental needs <li data-bbox="597 747 1287 779">e. as free as possible from cultural and linguistic bias <li data-bbox="597 783 1369 909">f. provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally <li data-bbox="597 913 1300 976">g. not the sole criterion for determining an appropriate educational program <li data-bbox="597 980 1289 1043">h. not only those designed to provide a single general intelligence quotient <li data-bbox="597 1047 1401 1215">i. are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or the other factors the test purports to measure <li data-bbox="597 1220 1401 1308">j. technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors <li data-bbox="407 1312 1401 1648">2. In interpreting evaluation data and making decisions, the district: <ol style="list-style-type: none"> <li data-bbox="597 1344 1401 1449">a. uses information from a variety of sources to gather relevant functional and developmental information, including information provided by the parent <li data-bbox="597 1453 1341 1516">b. ensures that information obtained from these sources is considered <li data-bbox="597 1520 1287 1583">c. ensures that the placement decision conforms with placement in the least restrictive environment <li data-bbox="597 1587 1362 1648">d. includes information related to enabling the student to be involved in and progress in the general curriculum | |
| | State Requirements | Federal Requirements |
| 28.04 | 28.05 | IDEA-97: 34 CFR 300.532, 300.535 34 CFR 104.35(b) IDEA 2004: Section |

| | |
|-------------------------|--|
| CRITERION NUMBER | SPECIAL EDUCATION I. ASSESSMENT OF STUDENTS |
| | Legal Standard |
| | 614(b)(3)(A)(ii); 614(c)(1)(B)(ii) |
| | Rating: Implemented District Response Required: No |

| | |
|-------------------------|--|
| CRITERION NUMBER | |
| | Legal Standard |
| SE 2 | <p>Required and optional assessments</p> <p>1. <u>Required assessments</u>: The following assessments are completed by appropriately credentialed and trained specialists for each referred student:</p> <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’s general education 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. <p>2. <u>Optional assessments</u>: The Administrator of Special Education may recommend or the parent may request one or more of the following:</p> <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. |

| | |
|-------------------------|---|
| CRITERION NUMBER | |
| | Legal Standard |
| | <p>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 agreement of the parent</p> <p>3. At the re-evaluation of a student, if 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> <p>a. that no further assessments are needed and the reasons for this; and</p> <p>b. the right of such parents to request an assessment.</p> <p>State Requirements 603 CMR 28.04 (1) and (2)</p> <p>Federal Requirements (IDEA-97) 34 CFR 300.532; 300.346(a)(2)(v)</p> |
| | Rating: Partially Implemented District Response Required: Yes |

Department of Education Findings:

The MCCPS has not always completed assessments in all areas of suspected need, specifically in the area of occupational therapy (1a).

| | |
|---|--|
| CRITERION NUMBER | |
| | Legal Standard |
| <p>SE 3</p> <p>Reserved until IDEA 2004 regulations are final.</p> | Special requirements for determination of specific learning disabilities |
| | Rating: Not Rated for School Year 2005-06 District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 4 | Reports of assessment results 1. Each person conducting an assessment shall summarize in writing the |

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| | Legal Standard |
| | <p>procedures employed, the results, and the diagnostic impression, and shall define in detail and in educationally relevant and common terms, the student's needs, offering explicit means of meeting them. Assessors may recommend appropriate types of placements, but shall not recommend specific classrooms or schools.</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> |
| | <p>State Requirements 603 CMR 28.04(2)(c)</p> <p style="text-align: right;">Federal Requirements (IDEA-97) 34 CFR 300.532</p> |
| | <p>Rating: Implemented District Response Required: No</p> |

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 5 | <p>Participation in general State and district-wide assessment programs</p> <ol style="list-style-type: none"> 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. 2. The district's IEP Teams designate how each student will participate and, if necessary, provide an alternate assessment. 3. The superintendent of a school district--or, for a public school program that is not part of a school district, the equivalent administrator— <ol style="list-style-type: none"> a. files an MCAS performance appeal for a student with a disability when the student's parent or guardian or the student, if 18 or over, requests it, provided that the student meets the eligibility requirements for such an appeal; b. obtains the consent of the parent or guardian or the student, if 18 or over, for any MCAS performance appeal filed on behalf of a student with a disability; c. includes in the MCAS performance appeal, to the extent possible, the required evidence of the student's knowledge and skills in the subject at issue. |
| | <p>State Requirements St. 2003, c. 140, s. 119; 603 CMR 30.05(2),(3),(5)</p> <p style="text-align: right;">Federal Requirements (IDEA-97) 34 CFR 300.138; 300.139</p> |
| | <p>Rating: Implemented District Response Required: No</p> |

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| | Legal Standard | | | | | | |
| SE 6 | <p>Determination of transition services</p> <ol style="list-style-type: none"> 1. The Team discusses the student’s transition needs annually beginning no later than when the student is 15 years old. 2. Unless the documentation of the discussion indicates that no such goals and services are necessary, beginning no later than the IEP in effect when the student turns 16 years old the Team includes in the IEP <ol style="list-style-type: none"> a. measurable goals, based on age-appropriate transition assessments, related to postsecondary training, education, and employment, and, where appropriate, to independent living skills; and b. the transition services, including courses of study, needed to reach those goals. <p>The Team updates these goals and services as necessary based on its annual discussion of the student’s transition needs.</p> <ol style="list-style-type: none"> 3. If transition services are included on the IEP, they are based upon the student's needs, taking into account the student's preferences and interests, and may include specially designed instruction, community experiences, the development of employment or other post-school adult living objectives, and the acquisition of daily living skills and functional vocational evaluation. 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.71B, §12A-§12C (known as Chapter 688). 5. <i>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.</i> 6. The district ensures that students are invited to and encouraged to attend part or all of Team meetings at which transition services are discussed or proposed <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">State Requirements</td> <td style="width: 50%;">Federal Requirements</td> </tr> <tr> <td>M.G.L.c.71B, Sections 12A-C</td> <td>IDEA-97: 34 CFR 300.344(b), 300.347</td> </tr> <tr> <td>603 CMR 28.05(4)(c)</td> <td>IDEA 2004: Section 614(d)(1)(A)(i)(VIII)</td> </tr> </table> | State Requirements | Federal Requirements | M.G.L.c.71B, Sections 12A-C | IDEA-97: 34 CFR 300.344(b), 300.347 | 603 CMR 28.05(4)(c) | IDEA 2004: Section 614(d)(1)(A)(i)(VIII) |
| State Requirements | Federal Requirements | | | | | | |
| M.G.L.c.71B, Sections 12A-C | IDEA-97: 34 CFR 300.344(b), 300.347 | | | | | | |
| 603 CMR 28.05(4)(c) | IDEA 2004: Section 614(d)(1)(A)(i)(VIII) | | | | | | |
| | <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Rating: Implemented</td> <td style="width: 50%;">District Response Required: No</td> </tr> </table> | Rating: Implemented | District Response Required: No | | | | |
| Rating: Implemented | District Response Required: No | | | | | | |

| 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> <ol style="list-style-type: none"> 1. One year prior to the student reaching age eighteen, the district informs the student of his or her right at age 18 to make all decisions in relation to special education programs and services. 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. 3. The district continues to send the parent written notices and information but the parent will no longer have decision-making authority, except as provided below. <ol style="list-style-type: none"> (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 (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 (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. | |
| | State Requirements 603 CMR 28.07(5) | Federal Requirements (IDEA-97) 34 CFR 300.347(c), 300.517 |
| | Rating: Not Applicable | |
| | District Response Required: No | |

Department of Education Findings:

This criterion does not apply as the MCCPS only enrolls student in grades four through eight.

| CRITERION NUMBER | |
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| | Legal Standard |
| SE 8 | <p>IEP Team composition and attendance The following persons are members of the IEP Team and may serve in multiple roles:</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, if one purpose of the meeting is to discuss transition services or if otherwise appropriate and 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, 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. 11. When one purpose of the Team meeting is to discuss vocational education needs, a person knowledgeable about vocational education options is present at the meeting. 12. When one purpose of the Team meeting is to discuss placement, a person knowledgeable about placement options is present at the meeting. 13. Members of the Team attend Team meetings unless: <ol style="list-style-type: none"> a. the parent and district agree to use alternative means, such as a video conference or a conference call, for any Team meeting <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> b. (i) the school district and parent agree that the member's attendance is not necessary or consent to the member's excusal AND (ii) the parent's agreement or consent is in writing AND (iii) the member submits in writing any input he or she has related to the IEP's development. <p style="margin-top: 20px;">State Requirements 603 CMR 28.02(21)</p> <p style="text-align: right; margin-top: 20px;">Federal Requirements IDEA-97: 34 CFR 300.344; 300.552; 34 CFR Part 300,</p> |

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| CRITERION NUMBER | |
| | Legal Standard |
| | Appendix A, Question #22; IDEA 2004: Section 614(d)(1)(C); 614(f) |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 9 | <p>Timeline for determination of eligibility and provision of documentation to parent Within forty-five school working days after receipt of the parent's written consent to an initial evaluation or a re-evaluation, the school district determines whether the student is eligible for special education and provides to the parent either a proposed IEP and (except in cases covered by 603 CMR 28.06(2)(e)) proposed placement or a written explanation of the finding of no eligibility.</p> <p>State Requirements 603 CMR 28.05(1); 28.06(2)(e)</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 9A | <p>Elements of the eligibility determination; general education accommodations and services for ineligible students</p> <ol style="list-style-type: none"> 1. To determine whether a student is eligible for special education, the school district: <ol style="list-style-type: none"> a. provides an evaluation or re-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 in order to make effective progress or if the student requires related services in order to access the general curriculum 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, |

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| | Legal Standard |
| | <p>the student is referred for consideration by the district for eligibility under that regular education program.</p> <p>3. When the student does not need any direct services, the Team makes a finding of no eligibility and appropriate services are provided through the district's general education program.</p> <p>4. When the student's lack of progress is due to a lack of instruction in reading or math or limited English proficiency or social maladjustment, or is due to an inability to meet the school discipline code but is not due to a disability, the district makes a finding of no eligibility for special education and may refer the student to a more appropriate instructional program or support service.</p> <p>State Requirements 603 CMR 28.05(1) and (2)</p> <p>Federal Requirements (IDEA-97) 34 CFR 300.7; 300.534</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 10 | <p>End of school year evaluations If consent is received within thirty (30) to forty-five (45) school working days before the end of the school year, the school district ensures that a Team meeting is scheduled so as to allow for the provision of a proposed IEP or written notice of the finding that the student is not eligible no later than fourteen (14) days after the end of the school year.</p> <p>State Requirements 603 CMR 28.05(1)</p> <p>Federal Requirements (IDEA-97) 34 CFR 300.342</p> |
| | Rating: Implemented District Response Required: No |

| CRITERION NUMBER | |
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| | Legal Standard |
| <p style="text-align: center;">SE 11</p> | <p>School district response to parental request for independent educational evaluation</p> <p>If a parent disagrees with an initial evaluation or re-evaluation completed by the school district, and the parent requests an independent educational evaluation, the district implements the following requirements:</p> <ol style="list-style-type: none"> 1. All independent educational evaluations funded by the district are conducted by qualified persons who are registered, certified, licensed or otherwise approved and who abide by the rates set by the state agency responsible for setting such rates. Unique circumstances of the child are justified when an individual assessment rate is higher than that normally allowed. 2. The school district has procedures to offer parents the option of participating in an income eligibility program for free or reduced cost independent educational evaluations that are equivalent to the types of assessments done by the school district. 3. The district extends the right to a publicly funded independent educational evaluation (only if cost shared or funded for state wards or for students receiving free or reduced cost lunch) for sixteen (16) months from the date of the evaluation with which the parent disagrees. 4. If the parent is requesting an evaluation in an area not assessed by the school district, or if the student does not meet or the parent does not choose to share the financial documentation regarding the income eligibility standards for free or reduced cost independent educational evaluation, then the school district responds in accordance with the requirements of federal law by paying for the independent educational evaluation or, within five school days, proceeding to Special Education Appeals to show that its evaluation was comprehensive and appropriate. Where the Department’s Special Education Appeals finds that the school district’s evaluation was comprehensive and appropriate, the school district does not pay for the independent educational evaluation requested by the parent. 5. Whenever possible, the independent educational evaluation is completed and a written report sent no later than thirty (30) days after the date the parent requests the independent educational evaluation. If publicly funded, the report is sent to the parents and to the school district. The independent evaluator’s report summarizes, in writing, procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator recommends appropriate types of placements but does not recommend specific classrooms or schools. 6. Within ten (10) school days from the time the school district receives the report of the independent educational evaluation, the Team reconvenes and considers the independent educational evaluation (which may be publicly or privately funded) and whether a new or amended IEP is appropriate. <p style="text-align: center;">State Requirements Federal Requirements (IDEA-97)</p> |

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| | Legal Standard |
| | <p>3. Where a student's eligibility terminates because the student has graduated from secondary school or exceeded the age of eligibility, the school district provides the student with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her postsecondary goals.</p> <p>State Requirements 603 CMR 28.07(3)</p> <p>Federal Requirements IDEA-97: 34 CFR 300.347; IDEA 2004: Section 614(c)(5)(B)(ii)</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 14 | <p>Review and revision of IEPs</p> <ol style="list-style-type: none"> At least annually, on or before the anniversary date of the implementation of the IEP, a Team meeting 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. <u>Amendments to the IEP.</u> In between annual IEP meetings the district and parent may agree to make changes to a student's IEP, documented in writing, without convening a meeting of the Team. Upon request, a parent is provided with a revised copy of the IEP with the amendments incorporated. <p>State Requirements 603 CMR 28.04(3)</p> <p>Federal Requirements IDEA-97: 34 CFR 300.343(c) IDEA 2004: Section 614(d)(3)(D) and (F)</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | SPECIAL EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT |
| | Legal Standard |
| SE 15 | <p>Outreach by the School District (Child Find)</p> <p>The district has annual or more frequent outreach and continuous liaison with those groups below from which promotion or transfer of students in need of special education may be expected, or which would include students in need of special</p> |

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| | <p>the parents, are genuinely considered by the district prior to proposing the IEP.</p> <ol style="list-style-type: none"> 2. The IEP includes specially designed instruction to meet the needs of the individual student and related services that are necessary to allow the student to benefit from the specially designed instruction, or consists solely of related services that are necessary to allow the student to access the general curriculum, consistent with federal and state requirements. To the extent practicable, specially designed instruction and related services are based on peer-reviewed research. 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. 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. 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. 6. The school district ensures 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. 7. The IEP is written in generally understandable language. <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>State Requirements 603 CMR 28.05(3), (4), (6) and (7); 28.06(2)</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Federal Requirements IDEA-97: 34 CFR 300.340-300.350; 300.343(a) 34 CFR Part 300, Appendix A, Question #22. IDEA 2004: Section 614(d)(1)(A)(i); 614(d)(3)(A)</p> </td> </tr> </table> | <p>State Requirements 603 CMR 28.05(3), (4), (6) and (7); 28.06(2)</p> | <p>Federal Requirements IDEA-97: 34 CFR 300.340-300.350; 300.343(a) 34 CFR Part 300, Appendix A, Question #22. IDEA 2004: Section 614(d)(1)(A)(i); 614(d)(3)(A)</p> |
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| | <p>Rating: Implemented District Response Required: No</p> | | |

| CRITERION NUMBER | |
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| | Legal Standard |
| SE 18B | <p>Determination of placement; provision of IEP to parent</p> <ol style="list-style-type: none"> 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. |

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| | Legal Standard | | |
| | <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 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, 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> | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Requirements 603 CMR 28.05(6) and (7)</td> <td style="width: 50%;">Federal Requirements (IDEA-97) 34 CFR 300.346</td> </tr> </table> | State Requirements 603 CMR 28.05(6) and (7) | Federal Requirements (IDEA-97) 34 CFR 300.346 |
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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, 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 used to allow additional time to complete the required assessments.</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 develop an IEP. The Team may decide to meet at intervals during the extended evaluation, but in all cases reconvenes promptly to 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> |

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| | Legal Standard | | |
| | 5. The extended evaluation is not considered a placement. | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;">State Requirements 603 CMR 28.05(2)(b)</td> <td style="width: 50%; vertical-align: top;">Federal Requirements</td> </tr> </table> | State Requirements 603 CMR 28.05(2)(b) | Federal Requirements |
| State Requirements 603 CMR 28.05(2)(b) | Federal Requirements | | |
| | Rating: Implemented District Response Required: No | | |

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| CRITERION NUMBER | | | |
| | Legal Standard | | |
| SE 20 | <p>Least restrictive program selected</p> <ol style="list-style-type: none"> 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. 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. 3. The district does not remove an eligible child from the general education classroom solely because of needed modification in the curriculum. 4. If a student's IEP necessitates special education services in a day or residential facility or an out-of-district educational collaborative program, the IEP Team considers whether the student requires special education services and support to promote the student's transition to placement in a less restrictive program. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;">State Requirements M.G.L. Chapter 71B, section 3 603 CMR 28.06(2)(a);</td> <td style="width: 50%; vertical-align: top;">Federal Requirements (IDEA-97) 34 CFR 300.130; 300.550-300.556</td> </tr> </table> | State Requirements M.G.L. Chapter 71B, section 3 603 CMR 28.06(2)(a); | Federal Requirements (IDEA-97) 34 CFR 300.130; 300.550-300.556 |
| State Requirements M.G.L. Chapter 71B, section 3 603 CMR 28.06(2)(a); | Federal Requirements (IDEA-97) 34 CFR 300.130; 300.550-300.556 | | |
| | Rating: Implemented District Response Required: No | | |

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 21 | <p>School day and school year requirements</p> <ol style="list-style-type: none"> 1. The Team routinely considers the need for an educational program that is less |

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| | Legal Standard |
| | <p>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.</p> <ol style="list-style-type: none"> 2. 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. In such case the daily duration of the program shall be specified by the Team, and Team shall state on the IEP the reason for such different duration. 3. Specialized transportation schedules do not impede a student’s access to a full school day and program of instruction. 4. 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. 5. 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. 6. 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 Requirements M.G.L. Chapter 69, Section 1G 603 CMR 28.05(4)</p> <p style="text-align: right;">Federal Requirements (IDEA-97) 34 CFR 300.309(b)</p> |
| | <p>Rating: Implemented District Response Required: No</p> |

| CRITERION NUMBER | |
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| | Legal Standard |
| SE 22 | <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 eligible student within its jurisdiction. 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. |

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| | Legal Standard |
| | <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 Requirements 603 CMR 28.05(7)(b); 28.06(2)(d)(2)</p> <p>Federal Requirements (IDEA-97) 34 CFR 300.342</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 23 | <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 Requirements M.G.L. c. 71, s. 34H; 603 CMR 23.00 (Student Records Regulations)</p> <p>Federal Requirements IDEA-97: 34 CFR 300.560-576; Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | SPECIAL EDUCATION III. PARENTAL INVOLVEMENT |
| | 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> <p>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.</p> <p>2. When a student is referred for an evaluation to determine eligibility for special</p> |

| CRITERION NUMBER | SPECIAL EDUCATION III. PARENTAL INVOLVEMENT |
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| | Legal Standard |
| | <p>education, the school district sends written notice to the child's parent(s) within 5 school days of receipt of the referral. The written notice includes the district's notice of procedural safeguards.</p> <ol style="list-style-type: none"> 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 Requirements 603 CMR 28.04(1)</p> <p>Federal Requirements IDEA-97: 34 CFR 300.503(a) IDEA 2004: Section 615(d)(1)(A)</p> |
| | <p>Rating: Implemented District Response Required: No</p> |

| CRITERION NUMBER | Legal Standard |
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| SE 25 | <p>Parental consent 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 and before making an initial placement of a student in a special education program. Written parental consent is obtained before conducting a reevaluation and before placing a student in a special education placement subsequent to the initial placement in special education. 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. A parent is informed that consent may be revoked at any time. Except for |

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| | Legal Standard | |
| | <p>initial evaluation and initial placement, consent may not be required as condition of any benefit to the child.</p> <p>5. 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.</p> <p>6. 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> <p>State Requirements 603 CMR 28.07(1)</p> <p>Federal Requirements (IDEA-97) 34 CFR 300.500(b)(1)</p> | |
| | Rating: Implemented | District Response Required: No |

| CRITERION NUMBER | | |
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| | Legal Standard | |
| SE 25A | <p>Sending of copy of notice to Special Education Appeals Within five calendar days of receiving a notice that a parent is requesting a hearing or has rejected an IEP, proposed placement, or finding of no eligibility for special education, the school district sends a copy of the notice to Special Education Appeals.</p> <p>State Requirements 603 CMR 28.08(3)(b)</p> <p>Federal Requirements</p> | |
| | Rating: Implemented | District Response Required: No |

| CRITERION NUMBER | |
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| | Legal Standard |
| SE 25B | <p>Resolution of disputes</p> <ol style="list-style-type: none"> 1. Within 15 days of receiving notice that a parent has made an official hearing request to Special Education Appeals, the district convenes a meeting with the parent(s) and the relevant member(s) of the IEP Team, including a representative of the district with decision-making authority, to try to resolve the dispute. The resolution session may be waived if the district and the parents agree in writing to do so or if they agree to use mediation instead. 2. If the dispute is resolved at the resolution session, the parent(s) and a representative of the district with the authority to do so sign a legally binding agreement, enforceable in state or federal court. Any party may void this agreement within three business days of the signing. <p>State Requirements</p> <p>Federal Requirements IDEA 2004: Section 615(f)(1)(B)</p> |
| | <p>Rating: Implemented</p> <p>District Response Required: No</p> |

| 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 Requirements 603 CMR 28.02(21)</p> <p>Federal Requirements (IDEA-97) 34 CFR 300.345(d), 300.501</p> |
| | <p>Rating: Implemented</p> <p>District Response Required: No</p> |

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| CRITERION NUMBER | |
| | 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 M.G.L. 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 Requirements 603 CMR 28.04(1)(b)</p> <p>Federal Requirements (IDEA-97) 34 CFR 300.503-504</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 28 Reserved | |
| | Rating: District Response Required: |

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 29 | <p>Communications are in English and primary language of home</p> <ol style="list-style-type: none"> 1. Communications with parents are in simple and commonly understood words and are in both English and the primary language of the home if such primary language is other than English. Any interpreter used in fulfilling these requirements is fluent in the primary language of the home and familiar with special education procedures, programs and services. If the parents or the student are unable to read in any language or are blind or deaf, communications required by these regulations are made orally in English with the use of a foreign language interpreter, in Braille, in sign language, via TTY, or in writing, whichever is appropriate, and all such communications are documented. 2. If the district provides notices orally or in some other mode of communication that is not written language, the district keeps written |

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| | Legal Standard | | |
| | documentation (1) that it has provided such notice in an alternate manner, (2) of the content of the notice and (3) of the steps taken to ensure that the parent understands the content of the notice. | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> State Requirements 603 CMR 28.07(8) </td> <td style="width: 50%; vertical-align: top;"> Federal Requirements (IDEA-97) 34 CFR 300.345(e) </td> </tr> </table> | State Requirements 603 CMR 28.07(8) | Federal Requirements (IDEA-97) 34 CFR 300.345(e) |
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| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Rating: Implemented</td> <td style="width: 50%;">District Response Required: No</td> </tr> </table> | Rating: Implemented | District Response Required: No |
| Rating: Implemented | District Response Required: No | | |

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| CRITERION NUMBER | | | |
| | Legal Standard | | |
| SE 30 | <p>Notice of procedural safeguards</p> <ol style="list-style-type: none"> 1. The district’s notice of procedural safeguards contains all required elements included in the Massachusetts Interim Notice of Procedural Safeguards. 2. The district gives its notice of procedural safeguards to parents of children with disabilities once a year; it also provides this notice to parents upon their request, upon their child’s initial referral for evaluation, and not later than the date on which a decision is made to take a disciplinary action that results in a change of placement. | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> State Requirements M.G.L. c. 71B, section 3 </td> <td style="width: 50%; vertical-align: top;"> Federal Requirements IDEA-97: 34 CFR 300.503-504 IDEA 2004: Section 615(d)(1)(A) </td> </tr> </table> | State Requirements M.G.L. c. 71B, section 3 | Federal Requirements IDEA-97: 34 CFR 300.503-504 IDEA 2004: Section 615(d)(1)(A) |
| State Requirements M.G.L. c. 71B, section 3 | Federal Requirements IDEA-97: 34 CFR 300.503-504 IDEA 2004: Section 615(d)(1)(A) | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Rating: Implemented</td> <td style="width: 50%;">District Response Required: No</td> </tr> </table> | 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. a. When it becomes known to the school district that a student in need of special education evaluation or services is without a parent, the district takes immediate steps to request from the state educational surrogate parent program the assignment of an educational surrogate parent. b. When a student is without parental representation and requires an educational surrogate parent to be appointed in accordance with federal law and regulations, |

| CRITERION NUMBER | |
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| | Legal Standard |
| | <p>upon request of the state educational surrogate parent program, the district responsible for services to the student assists in identifying a person willing to serve as an educational surrogate parent.</p> <ol style="list-style-type: none"> 2. Upon assignment by the state educational surrogate parent program, 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 state educational surrogate parent program 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 state educational surrogate parent program, and serving as an educational surrogate parent does not receive financial remuneration from the district except that the school district reimburses the person for reasonable expenses related to the exercise of his or her responsibilities as an educational surrogate parent for a student enrolled in the district. <p>State Requirements 603 CMR 28.07(7)</p> <p>Federal Requirements IDEA-97: 34 CFR 300.515 IDEA 2004: Section 614(a)(1)(D)(iii); 615(b)(2)(A)(ii)</p> |
| | <p>Rating: Implemented District Response Required: No</p> |

| CRITERION NUMBER | |
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| | Legal Standard |
| SE 32 | <p>Parent advisory council for special education</p> <ol style="list-style-type: none"> 1. The school district has established a district-wide 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 district 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 district’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 |

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| CRITERION NUMBER | |
| | Legal Standard |
| | <p>without charge, upon reasonable notice, and subject to the availability of staff and resources.</p> <p>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.</p> <p>State Requirements M.G.L. c. 71B, section 3; 603 CMR 28.03(1)(a)(4); 28.07(4)</p> <p style="text-align: right;">Federal Requirements</p> |
| | Rating: Partially Implemented District Response Required: Yes |

Department of Education Findings:

The MCCPS is currently in the process of assisting parents to develop a parent advisory council on special education. However, the council has not established by-laws regarding officers and operational procedures and has not yet implemented the standards as referenced in #6 of the above criterion.

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| CRITERION NUMBER | SPECIAL EDUCATION IV. CURRICULUM AND INSTRUCTION |
| | Legal Standard |
| SE 33 | <p>Involvement in the general curriculum</p> <ol style="list-style-type: none"> 1. District personnel understand the connection between the Massachusetts Curriculum Frameworks and the expectations of the state for student performance as well as understanding the rights of students with disabilities to be full participants in the general curriculum. 2. The district 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 Requirements 603 CMR 28.05(4)(a) and (b)</p> <p style="text-align: right;">Federal Requirements (IDEA-97) 34 CFR 300.347(a)(1)(i); 300.137</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 34 | <p>Continuum of alternative services and placements 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 Requirements Federal Requirements (IDEA-97) 34 CFR 300.551; 300.305; 300.123</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | 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 Requirements Federal Requirements (IDEA-97) 34 CFR 300.308, 34 CFR 300.346</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | 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, if any, the objectives or benchmarks listed in the IEP. <i>(Note: For 2005-</i> |

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| | Legal Standard | |
| | <p><i>2006 every IEP should contain objectives or benchmarks—see SE 18A part 1a above.)</i></p> <p>4. The district provides all programs and services without expense to the child’s parents.</p> <p>5. Each time the school district proposes to access the parent’s private insurance to support the costs of IEP implementation, the school district obtains the parent’s consent and informs the parents that their refusal to permit the school district to access their private insurance does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parents.</p> <p>State Requirements 603 CMR 28.06(3)</p> <p>Federal Requirements (IDEA-97) 34 CFR 300.13(a); 300.142; 300.300; 300.302; 300.350;</p> | |
| | Rating: Partially Implemented | District Response Required: Yes |

Department of Education Findings:

The MCCPS students are not provided with access to in-school counseling services. In some cases the Team has determined that a student could benefit from the services of a school adjustment counselor or school psychologist; however, the MCCPS does not offer such services and may recommend that parents seek outside services at their own expense.

| CRITERION NUMBER | | |
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| | Legal Standard | |
| SE 37 | <p>Procedures for approved and unapproved out-of-district placements</p> <p>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.</p> <p>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.</p> <p>3. <u>Preference to approved programs</u>: The school district, in all circumstances, first</p> | |

| CRITERION NUMBER | |
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| | Legal Standard |
| | <p>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.</p> <p>4. <u>Written contracts</u>: The school district enters into written contracts with all public and private out-of-district placements. At a minimum, such contracts meet the content requirements of 28.06(3)(f)(1-5).</p> <p>5. <u>Use of unapproved programs</u>: A school district that places a student in a program that has not been approved by the Department according to the requirements under 603 CMR 28.09 ensures that such programs and services are provided in appropriate settings by appropriately credentialed staff able to deliver the services on the student's IEP. Students placed by the school district in such programs are entitled to the full protections of state and federal special education law and regulation.</p> <p>6. <u>Placement documentation</u>: The following documentation is maintained by the school district pursuant to its placement of children in unapproved out-of-district programs:</p> <ul style="list-style-type: none"> 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 M.G.L. c.76, §1 and a copy of such approval is |

| CRITERION NUMBER | |
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| | Legal Standard |
| | <p>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.</p> <p><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). 3. The parent's school district coordinates with the state agency to ensure that the student receives an evaluation, an annual review, and special education services as identified at a Team meeting convened by the parent's school district. <p>State Requirements 603 CMR 28.06(9)</p> <p style="text-align: right;">Federal Requirements</p> |
| | <p>Rating: Not Applicable District Response Required: No</p> |

Department of Education Findings:

The above criterion is not applicable to the MCCPS.

| CRITERION NUMBER | |
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| | Legal Standard |
| <p style="text-align: center;">SE 39</p> | <p>Procedures used to provide services to eligible students enrolled in private schools at private expense</p> <ol style="list-style-type: none"> 1. The district determines annually the number of eligible private school students in consultation with private school representatives. 2. To the extent that the school district provides and pays for special education services for eligible students enrolled in private schools at private expense, the following requirements and procedures are implemented: <ol style="list-style-type: none"> a. The district provides special education and/or related services designed to meet the needs of eligible children who are attending private schools at private expense and whose parents reside in the jurisdiction of the school district. The school district provides to such children genuine opportunities to participate in the public school special education program consistent with state constitutional limitations. b. The district provides or arranges for the provision of evaluation services |

| CRITERION NUMBER | |
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| | Legal Standard |
| | <p>and an IEP for any eligible private school child whose parent resides in the jurisdiction of the school district. The evaluation may take place in the public school, the private school, or an appropriate contracted facility, and the school district ensures that a representative of the child's private school is invited to participate as a member of the Team pursuant to §28.05.</p> <p>c. The district provides or arranges for the provision of the special education and/or related services described by the child's IEP and the district ensures that special education services funded with state or local funds are provided in a public school facility or other public or neutral site. When services are provided using only federal funds, services are provided on public or private school grounds.</p> <p>d. The district does not withdraw or withhold services from a child solely because the school district has met the spending requirements of federal law.</p> <p>3. Special education services and/or related services provided by the district to a private school child are comparable in quality, scope, and opportunity for participation to that provided to public school children with needs of equal importance.</p> <p>4. The district ensures that programs in which both public and private school children participate do not include classes that are separated on the basis of school enrollment or the religious affiliation of the children.</p> <p>5. An expedited special education evaluation, which is limited to a child's physician statement unless there is a clear indication of the need or unless the parents request additional evaluation, is conducted and service provided to eligible students by the district within 15 calendar days of the school district's receipt of the child's physician statement.</p> <p>State Requirements M.G.L. c. 71B, section 2 603 CMR 28.03(1)(e);</p> <p>Federal Requirements (IDEA-97) 34 CFR 300.450-300.462</p> |
| | <p>Rating: Not Applicable District Response Required: No</p> |

Department of Education Findings:

The above criterion is not applicable to the MCCPS.

| CRITERION NUMBER | |
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| | 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</p> |

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| | <p style="text-align: center;">Legal Standard</p> <p>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 <u>60% or less of the students' school schedule</u>, 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 <u>more than 60% of the students' school schedule</u>, the district provides instructional groupings that do not exceed eight (8) students to one certified special educator or twelve (12) students to a certified special educator and an aide.</p> <p>5. After the school year has begun, if instructional groups have reached maximum size as delineated in paragraphs 3 and 4 of this criterion, the Administrator of Special Education <u>and</u> the certified special educator(s) providing services in an instructional group may decide to increase the size of an instructional grouping by no more than two additional students if the additional students have compatible instructional needs and then can receive services in their neighborhood school.</p> <p>6. In such cases, the Administrator provides written notification to the Department and the parents of all group members of the decision to increase the instructional group size and the reasons for such decision. Such increased instructional group sizes are in effect only for the year in which they are initiated.</p> <p>7. The district takes all steps necessary to reduce the instructional groups to the sizes outlined in paragraph 3 or 4 of this criterion for subsequent years. Such steps are documented by the district.</p> <p>State Requirements 603 CMR 28.06(6)</p> <p style="text-align: right;">Federal Requirements</p> |
| | <p>Rating: Implemented District Response Required: No</p> |

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 41 | <p>Age span requirements The ages of the youngest and oldest child in any instructional grouping do not differ by more than forty-eight months. A written request for approval of a wider age range is submitted to the Commissioner of Education in cases where the district believes it is justified. Such requests are implemented only after approval of the Department of Education.</p> <p>State Requirements 603 CMR 28.06(6)(f)</p> <p style="text-align: right;">Federal Requirements</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 42 | <p>Programs for young children three and four years of age <u>General requirements:</u></p> <ol style="list-style-type: none"> 1. The school district ensures programs are available for eligible children three and four years of age. Such programs shall be developmentally appropriate and specially designed for children ages three and four years. 2. Where at all possible the school district accepts referrals from the Department of Public Health, other agencies, and individuals for young children when or before the child turns two-and-one-half years old in order to ensure continuity of services and to ensure the development and implementation of an IEP for eligible children by the date of the child's third birthday in accordance with federal requirements. 3. Where appropriate, the school district elects, consistent with federal requirements to use the format and services of the Individualized Family Service Plan (IFSP), if appropriate, for an additional year as a means of transitioning eligible children to public school services. 4. Where appropriate the Team allows a child to remain in a program designed for three and four year old children for the duration of the school year in which the child turns five years old (including the summer following the date of the child's fifth birthday). <p><u>Types of Settings:</u></p> <ol style="list-style-type: none"> 5. Inclusionary programs for young children are located in a setting that includes children with and without disabilities and meet the following standards: <ol style="list-style-type: none"> a. Services in such programs are provided in the home, the public school, Head Start, or a licensed childcare setting. |

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| CRITERION NUMBER | | | |
| | Legal Standard | | |
| | <p>b. For public school programs that integrate children with and without disabilities, the class size does not exceed twenty (20) with one teacher and one aide and no more than five (5) students with disabilities. If the number of students with disabilities is six (6) or seven (7) then the class size does not exceed fifteen (15) students with one teacher and one aide.</p> <p>6. <u>Substantially separate programs</u> for young children are located in a public school classroom or facility that serves primarily or solely children with disabilities. Substantially separate programs adhere to the following standards:</p> <p>a. Substantially separate programs are programs in which more than 50% of the children have disabilities.</p> <p>b. Substantially separate programs operated by the district limit class sizes to nine (9) students with one teacher and one aide.</p> | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Requirements 603 CMR 28.06(7)</td> <td style="width: 50%;">Federal Requirements (IDEA-97) 34 CFR 300.342(c)</td> </tr> </table> | State Requirements 603 CMR 28.06(7) | Federal Requirements (IDEA-97) 34 CFR 300.342(c) |
| State Requirements 603 CMR 28.06(7) | Federal Requirements (IDEA-97) 34 CFR 300.342(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 MCCPS services students from grades four through eight and therefore the above criterion is not applicable.

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| CRITERION NUMBER | SPECIAL EDUCATION V. STUDENT SUPPORT SERVICES | | |
| | Legal Standard | | |
| SE 43 | <p>Behavioral interventions For a student whose behavior impedes their learning or the learning of others, the Team considers the student's behavior including positive behavioral interventions, ability to follow school discipline codes, any needed code modifications and the possible need for a functional behavioral assessment.</p> | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Requirements</td> <td style="width: 50%;">Federal Requirements (IDEA-97) 34 CFR 300.346</td> </tr> </table> | State Requirements | Federal Requirements (IDEA-97) 34 CFR 300.346 |
| State Requirements | Federal Requirements (IDEA-97) 34 CFR 300.346 | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Rating: Implemented</td> <td style="width: 50%;">District Response Required: No</td> </tr> </table> | Rating: Implemented | District Response Required: No |
| Rating: Implemented | District Response Required: No | | |

| CRITERION NUMBER | |
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| | Legal Standard |
| | <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, district personnel, the parent, and other relevant members of the Team, as determined by the parent and the district, convene to review all relevant information in the student’s file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district’s failure to implement the IEP—“a manifestation determination.” 3. If district personnel, the parent, and other relevant members of the Team determine 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: <ol style="list-style-type: none"> a. services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals; and b. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur. 4. <u>Interim alternative educational setting.</u> 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 school days <ol style="list-style-type: none"> a. on its own authority if the behavior involves weapons or illegal drugs or another controlled substance or the infliction of serious bodily injury on another person while at school or a school function or, considered case by case, unique circumstances; or b. on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is “substantially likely” to injure him/herself or others. <u>Characteristics.</u> In either case, the interim alternative education setting enables the student to continue in the general curriculum and to continue receiving services identified on the IEP, and provides services to address the problem behavior. 5. If district personnel, the parent, and other relevant members of the Team determine that the behavior <u>IS</u> a manifestation of the disability, then the Team completes a functional behavioral assessment and behavioral intervention plan if it has not already done so. If a behavioral intervention plan is already in place, the Team reviews it and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational setting in accordance with part 4, the student returns to the original placement unless the parents and district agree otherwise. 6. Not later than the date of the decision to take disciplinary action, the school district notifies the parents of that decision and provides them with the written |

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| | Legal Standard |
| | <p>notice of procedural safeguards. If the parent chooses to appeal or the school district requests a hearing because it believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the hearing officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent and the school district agree otherwise.</p> <p>State Requirements</p> <p>Federal Requirements IDEA-97: 34 CFR 300.519-300.528 IDEA 2004: Section 615(k)(1)-(4)</p> |
| | <p>Rating: Implemented District Response Required: No</p> |

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| CRITERION NUMBER | |
| | Legal Standard |
| SE 47 | <p>Procedural requirements applied to students not yet determined to be eligible for special education</p> <ol style="list-style-type: none"> 1. If, prior to the disciplinary action, a district had knowledge that the student may be a student with a disability, then the district makes all protections available to the student until and unless the student is subsequently determined not to be eligible. The district may be considered to have prior knowledge if: <ol style="list-style-type: none"> a. The parent had expressed concern in writing; or b. The parent had requested an evaluation; or c. District staff had expressed directly to the special education director or other supervisory personnel specific concerns about a pattern of behavior demonstrated by the student. <p>The district may not be considered to have had prior knowledge if the parent has not consented to evaluation of the student or has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility.</p> 2. If the district had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the district must have procedures consistent with federal requirements to conduct an expedited evaluation to determine eligibility. 3. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility. <p>State Requirements Federal Requirements 20 U.S.C. Chapter 33, Section 1415(k);</p> |

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| CRITERION NUMBER | |
| | Legal Standard |
| | 34 CFR 300.527 IDEA 2004: Section 615(k)(5)(B)(iii); 615(k)(5)(C) |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | | | | | |
| | Legal Standard | | | | |
| SE 48 | <p>FAPE (Free, appropriate, public education): Equal opportunity to participate in educational, nonacademic, extracurricular and ancillary programs, as well as participation in regular education</p> <p>All students receiving special education, regardless of placement, shall have an equal opportunity to participate in and, if appropriate, receive credit for the vocational, supportive, or remedial services that may be available as part of the general education program as well as the non-academic and extracurricular programs of the school.</p> <p>Programs, services and activities include, but are not limited to:</p> <ol style="list-style-type: none"> 1. art and music 2. vocational education, industrial arts, and consumer and homemaking education 3. work study and employment opportunities 4. counseling services available at all levels in the district 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 | | | | |
| | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; border-bottom: 1px solid black;">State Requirements</td> <td style="text-align: center; border-bottom: 1px solid black;">Federal Requirements (IDEA-97)</td> </tr> <tr> <td style="text-align: center;">603 CMR 28.06(5)</td> <td style="text-align: center;">34 CFR 300.121; 300.300-313</td> </tr> </table> | State Requirements | Federal Requirements (IDEA-97) | 603 CMR 28.06(5) | 34 CFR 300.121; 300.300-313 |
| State Requirements | Federal Requirements (IDEA-97) | | | | |
| 603 CMR 28.06(5) | 34 CFR 300.121; 300.300-313 | | | | |
| | Rating: Partially Implemented District Response Required: Yes | | | | |

Department of Education Findings:

The MCCPS attempts to identify and to address student needs and to provide in-school counseling services. However, staff and parent interviews indicate that the MCCPS does not offer the services of a licensed and qualified counselor at all levels as indicated in #4 above.

| CRITERION NUMBER | |
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| | Legal Standard |
| SE 49 | <p>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:</p> <ol style="list-style-type: none"> 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. school nurse services 12. social work services in schools 13. parent counseling and training, and 14. interpreting services. <p>State Requirements 603 CMR 28.02(19)</p> <p>Federal Requirements) IDEA-97: 34 CFR 300.24 IDEA 2004: Section 602(26)</p> |
| | <p>Rating: Partially Implemented District Response Required: No</p> |

Department of Education Findings:

The MCCPS does not provide students with direct access to psychological (#2 above), counseling (#7 above), or social work services (#12 above) in the above criterion.

| CRITERION NUMBER | |
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| | Legal Standard |
| SE 49A | <p>Special Transportation</p> <p>If the IEP specifies that the student’s disability requires transportation or specialized transportation arrangements in order to benefit from special education, the district implements these provisions of the student’s IEP.</p> <ol style="list-style-type: none"> 1. The Team determines necessary modifications, special equipment, assistance, need for qualified attendants on vehicles, and any particular precautions required |

| CRITERION NUMBER | | |
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| | Legal Standard | |
| | <p>by the student and documents such determinations in the student's IEP. If specialized arrangements can be provided on regular transportation vehicles, the school district makes such arrangements.</p> <ol style="list-style-type: none"> 2. The district arranges to have eligible students who use wheelchairs transported in vehicles that do not require such children to be removed from their wheelchairs in order to enter or leave the vehicles; provided, however, that this requirement is not applicable where a Team or the student's physician recommends that the student regularly transfer in and out of conventional vehicles to or from a wheelchair for therapeutic or for independence training reasons. 3. The Team specifies whether the student requires assistance in or out of the home, on or off of the vehicle, and in or out of the school. If such assistance is specified, the district ensures that it is provided. 4. The Team specifies if the student has a particular need or problem that may cause difficulties during transportation, such as seizures, a tendency for motion sickness, behavioral concerns, or communication disabilities. 5. The school district does not allow transportation considerations to influence, modify, or determine the educational program, including the length of the school day, required by any student. <p>State Requirements 603 CMR 28.05(5)(b)</p> <p>Federal Requirements (IDEA-97) 34 CFR 300.24(b)(15)</p> | |
| | Rating: Implemented | District Response Required: No |

| CRITERION NUMBER | SPECIAL EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION | | |
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| | Legal Standard | | |
| SE 50 | <p>Responsibilities of the Administrator of Special Education The school district has an appointed person to be its Administrator of Special Education. The Administrator supervises all special education for the school district and ensures compliance with all federal and state special education laws. As appropriate, and in accordance with the requirements of M.G.L. c.71B, §3A, the Administrator may designate other school district personnel to carry out some of the duties of the Administrator.</p> <p>State Requirements 603 CMR 28.03(2)</p> <p>Federal Requirements</p> | | |
| | Rating: Implemented | District Response Required: | No |

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| CRITERION NUMBER | | | |
| | Legal Standard | | |
| | State Requirements M.G.L. c. 71, section 38G , 38Q and 38Q ½ 603 CMR 28.03(1)(a); 28.06(8)(b) and (c) | Federal Requirements | |
| | Rating: Implemented | District Response Required: | No |

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| CRITERION NUMBER | SPECIAL EDUCATION VII. SCHOOL FACILITIES | | |
| | Legal Standard | | |
| SE 55 | Special education facilities and classrooms The school district provides facilities and classrooms for eligible students that <ol style="list-style-type: none"> 1. 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 in the allocation of instructional and other space in public schools in order to minimize the separation or stigmatization of eligible students. | | |
| | State Requirements 603 CMR 28.03(1)(b) | Federal Requirements Section 504 of the Rehabilitation Act of 1973 | |
| | Rating: Implemented | District Response Required: | No |

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| CRITERION NUMBER | SPECIAL EDUCATION VIII. PROGRAM PLAN AND EVALUATION | | |
| | Legal Standard | | |
| SE 56 | Special education programs and services are evaluated <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 | | |

| CRITERION NUMBER | SPECIAL EDUCATION VIII. PROGRAM PLAN AND EVALUATION | |
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| | Legal Standard | |
| | <p>developed.</p> <p>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> | |
| | <p>State Requirements M.G.L. c. 71, section 59C; c. 71B, section 2</p> | <p>Federal Requirements (IDEA-97) 34 CFR 300.137</p> |
| | Rating: Implemented | District Response Required: No |

| CRITERION NUMBER | SPECIAL EDUCATION IX. RECORD KEEPING | |
|------------------|---|---|
| | Legal Standard | |
| SE 57 | <p>Special education child count</p> <p>1. The school district maintains appropriate procedures to ensure that an accurate and unduplicated child count is provided to the Department of Education upon request. A child count represents students with current, accepted IEPs who are provided, at a minimum, direct special education and/or related services by the district or by an out-of-district provider through a contract with the district.</p> <p>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.</p> <p>3. The district does not include as part of its special education child count (a) students who are determined by the Department to be erroneously classified as eligible to be counted under federal or state special education requirements; (b) students who are no longer receiving special education and/or related services; and (c) students with disabilities for whom the district has no programmatic responsibility, even if the district has financial responsibility.</p> | |
| | <p>State Requirements 603 CMR 23.00</p> | <p>Federal Requirements IDEA-97: 34 CFR 300.133; 300.145; 300.560-300.577; 300.750-754; Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g</p> |

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| CRITERION NUMBER | SPECIAL EDUCATION IX. RECORD KEEPING |
| | Legal Standard |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | 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 approved it. 4. The district has secured the approval of the Department of Education for all amendments prior to their implementation. <p>State Requirements 603 CMR 28.03(1)(e)</p> <p>Federal Requirements (IDEA-97) 34 CFR 300.230; 300.340-300.500</p> |
| | Rating: Implemented District Response Required: No |

| CRITERION NUMBER | |
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| | Legal Standard |
| SE 59 | <p>Transfer of student records When a student with an IEP transfers from school district to school district, whether both of those districts are within the Commonwealth of Massachusetts or not,</p> <ol style="list-style-type: none"> 1. any Massachusetts school to which the student is transferring takes reasonable steps to promptly obtain the student's records, including the IEP, from the former school, and 2. any Massachusetts school from which the student is transferring takes reasonable steps to promptly respond to the new school's request for records. <p>State Requirements Federal Requirements IDEA 2004: Section 614(d)(2)(C)</p> |
| | <p>Rating: Implemented District Response Required: No</p> |

**CIVIL RIGHTS
METHODS OF ADMINISTRATION (MOA)
AND
OTHER RELATED GENERAL EDUCATION
REQUIREMENTS**

**LEGAL STANDARDS,
COMPLIANCE RATINGS AND
DETAILED FINDINGS**

| CRITERION NUMBER | CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS II. STUDENT IDENTIFICATION AND PLACEMENT | |
|-------------------------|---|---------------------------------------|
| | Legal Standard | |
| MOA 1 | <p>Identification of limited-English-proficient students The district uses qualified staff and appropriate procedures and assessments to identify students who are limited-English-proficient and assess their level of English proficiency.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a),(b); EEOA: 20 U.S.C. 1703(f); 603 CMR 14.02; M.G.L c. 76, s. 5; 603 CMR 26.03</p> | |
| | Rating: Implemented | District Response Required: No |

| CRITERION NUMBER | | |
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| | Legal Standard | |
| MOA 2 | <p>Program modifications and support services for limited-English-proficient students The district implements necessary program modifications and support services to serve effectively limited-English-proficient students who need special language assistance. Such program modifications and support services:</p> <ol style="list-style-type: none"> 1. are based on sound education theory; 2. provide for English-language development; 3. provide for the meaningful participation of limited-English-proficient students in the district's educational program; 4. are evaluated and appropriately revised in an ongoing manner; and 5. are demonstrably useful in assisting students receiving such program modifications and services to gain English language proficiency. <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a),(b); EEOA: 20 U.S.C. 1703(f); M.G.L. c. 71, s. 38Q1/2; 603 CMR 28.03(3)(a); M.G.L. c. 71A, ss. 2(e), 4; 603 CMR 14.04; M.G.L. c. 76, s. 5; 603 CMR 26.03</p> | |
| | Rating: Implemented | District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 2A | <p>Identification of homeless children and youth The homeless education liaison designated under MOA 11A ensures that homeless children and youth are identified by school personnel and through coordination activities with other entities and agencies.</p> <p>NCLB: Title X, Part C, Sec. 722(g)(6)(A)(i)</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 2B | <p>Equal educational opportunity for homeless children and youth The homeless education liaison ensures that homeless children and youth enroll in, and have a full and equal opportunity to succeed in, district schools.</p> <p>NCLB: Title X, Part C, Sec. 722(g)(6)(A)(ii)</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 2C | <p>Access to services for homeless families, children, and youth The homeless education liaison ensures that homeless families, children, and youth receive educational services for which they are eligible, including Head Start and Even Start programs and preschool programs administered by the district, and referrals to health care services, dental services, mental health services, and other appropriate services.</p> <p>NCLB: Title X, Part C, Sec. 722(g)(6)(A)(iii)</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 3 | <p>Access to a full range of education programs Students from linguistic, racial, and ethnic minorities; males; females; homeless students; and students with disabilities all have access equal to that of other students to the general education program and the full range of any occupational/vocational education programs offered by the district.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a),(b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.34, 106.35; Section 504: 29 U.S.C. 794; 34 CFR 104.4; Title II: 42 U.S.C. 12132; 28 CFR 35.130; IDEA 97: 34 CFR 300.305; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Secs. 721, 722(g)(4); Mass. Const. amend. art. 114; M.G.L. c. 71A, s. 7; c. 76, s. 5; 603 CMR 26.03</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 4 | <p>Placement of disabled, linguistic and racial/ethnic minority, homeless, and female/male students Patterns of placement in district programs and services for disabled students, linguistic and racial/ethnic minority students, homeless students, and females are consistent with patterns of placement for non-disabled students, linguistic and racial/ethnic majority students, nonhomeless students, and males. If these patterns of placement are not consistent, the district is able to demonstrate that placements have been made for valid educational reasons.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a),(b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.34, 106.35, 106.36; Section 504: 29 U.S.C. 794; 34 CFR 104.4; Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Secs. 721, 722(g)(4); IDEA 2004: Section 618(d); Mass. Const. amend. art. 114; M.G.L. c. 71A, s. 7; c. 71B, s. 6; c. 76, s. 5; 603 CMR 26.03</p> |
| | Rating: Implemented District Response Required: No |

| CRITERION NUMBER | |
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| | Legal Standard |
| MOA 5A | <p>Placement of homeless students According to the best interest of the homeless student, the district either</p> <ol style="list-style-type: none"> 1. continues the student’s education in the student’s school of origin for the duration of homelessness and, if the student becomes permanently housed during an academic year, for the remainder of that academic year; or 2. enrolls the student in any public school that nonhomeless students who live in the attendance area where the student is actually living (with or without parents) are eligible to attend. <p>If the district sends the student to a school other than the school of origin or a school requested by the student’s parent or guardian, it provides the parent or guardian with a written explanation, including a statement of the right to appeal the placement. If the student is an unaccompanied youth, notice of the right to appeal is provided to the student.</p> <p>NCLB: Title X, Part C, Sec. 722(g)(3)(A), (B)</p> |
| | Rating: Implemented District Response Required: No |

| CRITERION NUMBER | |
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| | Legal Standard |
| MOA 5B | <p>Immediate enrollment of homeless students</p> <ol style="list-style-type: none"> 1. The school where a homeless student is placed immediately enrolls the student even if he or she is unable to produce records normally required for enrollment, such as previous academic records, medical records, or proof of residency. 2. The enrolling school immediately contacts the school last attended by the homeless student to obtain relevant academic and other records. 3. If the homeless student needs to obtain immunizations or immunization or medical records, the enrolling school immediately refers the student’s parent or guardian (or the student, if an unaccompanied youth) to the homeless education liaison for assistance in obtaining them. <p>NCLB: Title X, Part C, Sec. 722(g)(3)(C)</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 5C | <p>Transportation of homeless students to and from the school of origin</p> <ol style="list-style-type: none"> 1. The school district has adopted policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the homeless education liaison), to and from the school of origin, in accordance with the following provisions. 2. If the homeless student is continuing to attend his or her school of origin and continues to live in the school district in which the school of origin is located, the student's transportation to and from the school of origin is provided or arranged by the school district in which the school of origin is located. 3. If a homeless student is continuing to attend his or her school of origin but lives in another district than that in which the school of origin is located, the two districts agree on a method to apportion responsibility and costs for transportation to and from the school of origin. If they cannot agree on a method, the responsibility and costs are shared equally. <p>NCLB: Title X, Part C, Sec. 722(g)(1)(J)(iii)</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 5D | <p>Disputes over the enrollment of homeless students</p> <p>If a dispute arises over a homeless student's placement or enrollment in a school:</p> <ol style="list-style-type: none"> 1. the school in which enrollment is sought immediately admits the homeless student, pending resolution of the dispute; 2. the school provides the parent or guardian of the student with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or unaccompanied youth to appeal the decision; 3. the student, parent, or guardian is referred to the homeless education liaison, who carries out the dispute resolution process prescribed by the Department of Education and, in the case of an unaccompanied youth, ensures that the youth is immediately enrolled in school pending resolution of the dispute. <p>NCLB: Title X, Part C, Sec. 722(g)(3)(E)</p> |

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

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 6 | <p>Availability of in-school programs for pregnant students</p> <ol style="list-style-type: none"> 1. Pregnant students are permitted to remain in regular classes and participate in extracurricular activities with non-pregnant students throughout their pregnancy, and after giving birth are permitted to return to the same academic and extracurricular program as before the leave. 2. The district does not require a pregnant student to obtain the certification of a physician that the student is physically and emotionally able to continue in school unless it requires such certification for all students for other physical or emotional conditions requiring the attention of a physician. <p>Title IX: 20 U.S.C. 1681; 34 CFR 106.40(b)</p> |
| | Rating: Not Implemented District Response Required: Yes |

Department of Education Findings:

The MCCPS serves students from grades four through eight and previously understood that it is not required to develop a school policy to address this particular criterion. As it may be possible that a student might need such a policy, the district is required to have such a policy and will need to develop one.

| CRITERION NUMBER | CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS III. PARENTAL INVOLVEMENT |
|-------------------------|--|
| | Legal Standard |
| MOA 6A | <p>Information and opportunities for participation for parents and guardians of homeless students The homeless education liaison ensures that parents and guardians of homeless students are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in their children's education.</p> <p>NCLB: Title X, Part C, Sec. 722(g)(6)(A)(iv)</p> |
| | Rating: Implemented District Response Required: No |

| CRITERION NUMBER | |
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| | Legal Standard |
| MOA 6B | <p>Public notice of educational rights of homeless children and youth The homeless education liaison ensures that public notice of the educational rights of homeless children and youth is disseminated in places where they receive services, such as schools, family shelters, and soup kitchens.</p> <p>NCLB: Title X, Part C, Sec. 722(g)(6)(A)(v)</p> |
| | Rating: Not Implemented District Response Required: Yes |

Department of Education Findings:

There is no indication that the MCCPS disseminates information regarding the educational rights of homeless children.

| CRITERION NUMBER | |
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| | Legal Standard |
| MOA 6C | <p>Information and assistance with respect to transportation of homeless students The homeless education liaison ensures that each homeless student's parent or guardian, as well as any unaccompanied youth, is fully informed of all transportation services, including transportation to and from the school of origin as required in</p> |

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| CRITERION NUMBER | |
| | Legal Standard |
| | MOA 5C above, and is assisted in accessing transportation to the school where the student is placed. NCLB: Title X, Part C, Sec. 722(g)(6)(A)(vii) |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 6D | Coordination and collaboration by the homeless education liaison The homeless education liaison coordinates and collaborates with state coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth. NCLB: Title X, Part C, Sec. 722(g)(6)(C) |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 7 | Information to be translated into languages other than English When students have parents or guardians with limited English language skills, general announcements and notices of extracurricular activities and other opportunities are distributed to them in the primary language of the home. When persons with limited English language skills reside in the community, school and program recruitment and promotional materials are disseminated to them in their primary language(s). Title VI; EEOA: 20 U.S.C. 1703(f); M.G.L. c. 76, s. 5; 603 CMR 26.02(2) |
| | Rating: Implemented District Response Required: No |

| CRITERION NUMBER | <p align="center">CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IV. CURRICULUM AND INSTRUCTION</p> |
|----------------------|--|
| | <p align="center">Legal Standard</p> |
| <p>MOA 7A</p> | <p>School year Schedules</p> <ol style="list-style-type: none"> 1. Before the beginning of each school year, the school district sets a school year schedule for each school. The school year includes at least 185 school days for students in grades 1-12 at each elementary, middle, and secondary school in the district, and these schools are in operation for at least 180 days a year for these students. 2. The school district ensures that unless his or her IEP or Section 504 Accommodation Plan provides otherwise, each elementary school student is scheduled for at least 900 hours of structured learning time a year and each secondary school student is scheduled for at least 990 hours of structured learning time a year, within the required school year schedule. Where the school district operates separate middle schools, it designates each one as either elementary or secondary. 3. Where the school district sets a separate school year and school day schedule for kindergarten programs, it provides at least 425 hours of structured learning time a year. If the district schedules two sessions of kindergarten a day, it ensures equal instructional time for all kindergarten students. <p>M.G.L. c. 69, s. 1G; 603 CMR 27.03, 27.04</p> |
| | <p>Rating: Implemented District Response Required: No</p> |

| CRITERION NUMBER | |
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| | <p align="center">Legal Standard</p> |
| <p>MOA 7B</p> | <p>Structured learning time</p> <ol style="list-style-type: none"> 1. The school district ensures that its structured learning time is time during which students are engaged in regularly scheduled instruction, learning, or assessments within the curriculum of core subjects and other subjects as defined in 603 CMR 27.02 (including physical education, required by M.G.L. c. 71, s. 3). The district's structured learning time may include directed study (activities directly related to a program of studies, with a teacher available to assist students), independent study (a rigorous, individually designed program under the direction of a teacher, assigned a grade and credit), technology-assisted learning, presentations by persons other than teachers, school-to-work programs, and statewide student performance assessments. |

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| CRITERION NUMBER | |
| | Legal Standard |
| | <p>2. The district ensures that its structured learning time does not include time at breakfast or lunch, passing between classes, in homeroom, at recess, in non-directed study periods (study halls), participating in optional school programs, or receiving school services such as health screening, speech, or physical and occupational therapy, except where those services are prescribed by a student's IEP or Section 504 Accommodation Plan.</p> <p>3. The hours spent in any type of structured learning time are verified by the school district. Where the school district counts independent study or a school-to-work program as structured learning time, it has guidelines that explain clearly how hours spent by students are verified.</p> <p>M.G.L. c. 69, s. 1G; 603 CMR 27.02, 27.04</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 7C | <p>Early release of high school seniors When the school district schedules the early release at the end of the year of the senior class of a high school, it does so in accordance with a written policy that conforms with Board of Education requirements under 603 CMR 27.05, ensuring that neither the conclusion of the seniors' school year nor graduation is more than 12 school days before the regular scheduled closing date of that school.</p> <p>M.G.L. c. 69, s. 1G; 603 CMR 27.05</p> |
| | Rating: Not Applicable District Response Required: No |

Department of Education Findings:

The MCCPS is grade four through eight school and is not subject to the requirements of this criterion.

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 8 | <p>Accessibility of extracurricular activities Extracurricular activities sponsored by the district are nondiscriminatory in that: the school provides equal opportunity for all students to participate in intramural and interscholastic sports; extracurricular activities or clubs sponsored by the school do not exclude students on the basis of race, sex, color, religion, national origin, sexual orientation, disability, or homelessness.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.41; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37(a), (c); Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title X, Part C, Sec. 721; Mass. Const. amend. art 114; M.G.L. c. 76, s. 5; 603 CMR 26.06</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 9 | <p>Hiring and employment practices of prospective employers of students</p> <ol style="list-style-type: none"> 1. The district requires employers recruiting at the school to sign a statement that the employer complies with applicable federal and state laws prohibiting discrimination in hiring or employment practices. 2. Prospective employers to whom this criterion applies include those participating in career days and work-study and apprenticeship training programs, as well as those offering cooperative work experience. <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(1),(2); Title IX: 20 U.S.C. 1681; 34 CFR 106.38; Section 504: 29 U.S.C. 794; 34 CFR 104.4(b)(1)(v), 104.37(a); Title II: 42 U.S.C. 12132; 28 CFR 35.130(b)(1)(v); M.G.L. c. 76, s. 5; 603 CMR 26.07(5)</p> |
| | Rating: Not Applicable District Response Required: No |

Department of Education Findings:

The MCCPS is a grade four through eight school and is not subject to the requirements of this criterion.

| CRITERION NUMBER | CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS V. STUDENT SUPPORT SERVICES |
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| | Legal Standard |
| MOA 10A | <p>Student handbooks and codes of conduct</p> <ol style="list-style-type: none"> 1. <ol style="list-style-type: none"> a) The district has a code of conduct for students and one for teachers. b) The principal of every school containing grades 9-12 prepares, in consultation with the school council, a student handbook containing the student code of conduct and distributes it to each student annually, as well as to parents and school personnel; the school council reviews and revises the student code of conduct every year. c) The principal of every school containing other grades distributes the district's student code of conduct to students, parents, and personnel annually. d) At the request of a parent or student whose primary language is not English, a student handbook or student code of conduct is translated into that language. 2. Student codes of conduct contain: <ol style="list-style-type: none"> a) procedures assuring due process in disciplinary proceedings and b) appropriate procedures for the discipline of students with special needs and students with Section 504 Accommodation Plans. 3. Student handbooks and codes of conduct reference M.G.L. c. 76, s. 5 and contain: <ol style="list-style-type: none"> a) a nondiscrimination policy that is consistent with M.G.L. c. 76, s. 5, and affirms the school's non-tolerance for harassment based on race, color, national origin, sex, religion, or sexual orientation, or discrimination on those same bases; b) the school's procedure for accepting, investigating and resolving complaints alleging discrimination or harassment; and c) the disciplinary measures that the school may impose if it determines that harassment or discrimination has occurred. <p>Section 504; M.G.L. c. 71, s. 37H; 603 CMR 26.08</p> |
| | <p>Rating: Implemented District Response Required: No</p> |

| CRITERION NUMBER | |
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| | Legal Standard |
| MOA 11A | <p>Designation of liaison/coordinator(s); grievance procedures</p> <p>The district has designated one or more staff persons to serve as liaison for homeless students, carrying out the duties described in NCLB: Title X, Part C, Sec. 722(g)(6), and to serve as coordinator for compliance with its responsibilities under Title IX, Section 504, and (if it employs 50 or more persons) Title II.</p> <p>The district has adopted and published grievance procedures for students and for employees providing for prompt and equitable resolution of complaints alleging discrimination based on sex or disability.</p> |

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| CRITERION NUMBER | |
| | Legal Standard |
| | Title IX: 20 U.S.C. 1681; 34 CFR 106.8; Section 504: 29 U.S.C. 794; 34 CFR 104.7; Title II: 42 U.S.C. 12132; 28 CFR 35.107; NCLB: Title X, Part C, Sec. 722(g)(1)(J)(ii) |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 12A | <p>Annual and continuous notification concerning nondiscrimination and coordinators</p> <ol style="list-style-type: none"> 1. If the district offers vocational education programs, it advises students, parents, employees and the general public before the beginning of each school year that all vocational opportunities will be offered regardless of race, color, national origin, sex or disability. The notice includes a brief summary of program offerings and admission criteria and the name(s), office address(es), and phone number(s) of the person(s) designated under MOA 11A to coordinate compliance under Title IX and Section 504. 2. In all cases, the district takes continuing steps to notify applicants, students, parents, and employees (including those with impaired vision or hearing), as well as unions or professional organizations holding collective bargaining or professional agreements with the district, that it does not discriminate on the basis of race, color, national origin, sex, or disability. This notice, also, includes the name(s), office address(es), and phone number(s) of the person(s) designated under MOA 11A to coordinate compliance under Title IX and Section 504. 3. Written materials and other media used to publicize a school include a notice that the school does not discriminate on the basis of race, color, national origin, sex, disability, religion, or sexual orientation. <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.6(d); Title IX: 20 U.S.C. 1681; 34 CFR 106.8(a), 106.9; Section 504: 29 U.S.C. 794; 34 CFR 104.8; M.G.L. c. 76, s. 5; 603 CMR 26.02(2)</p> |
| | Rating: Implemented District Response Required: No |

| CRITERION NUMBER | |
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| | Legal Standard |
| MOA 13 | <p>Availability of information and counseling on general curricular and occupational/vocational opportunities Students from linguistic, racial, and ethnic minorities; males; females; homeless students; and students with disabilities all receive, in grades 7-12, the same information and counseling as other students on the full range of general curricular and any occupational/vocational opportunities available to them.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.36; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37(b); Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 721; Mass. Const. amend. art. 114; M.G.L. c. 71A, s. 7; c. 76, s. 5; 603 CMR 26.03</p> |
| | Rating: Implemented District Response Required: No |

| CRITERION NUMBER | |
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| | Legal Standard |
| MOA 14 | <p>Counseling and counseling materials free from bias and stereotypes To ensure that counseling and counseling materials are free from bias and stereotypes on the basis of race, color, sex, religion, national origin, sexual orientation, disability, and homelessness, all counselors:</p> <ol style="list-style-type: none"> 1. encourage students to consider programs of study, courses, extracurricular activities, and occupational opportunities on the basis of individual interests, abilities, and skills; 2. examine testing materials for bias and counteract any found bias when administering tests and interpreting test results; 3. communicate effectively with limited-English-proficient and disabled students and facilitate their access to all programs and services offered by the district; 4. provide limited-English-proficient students with the opportunity to receive counseling in their primary language; 5. support students in educational and occupational pursuits that are nontraditional for their gender. <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.36; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37; Title II: 42 U.S.C. 12132; 28 CFR 35.130, 35.160; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 721; Mass. Const. amend. art. 114; M.G.L. c. 71A, s. 7; c. 76, s. 5; 603 CMR 26.04, 26.07(8)</p> |

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

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 14A | <p>Policies and practices to prevent stigmatization and segregation of homeless students The school district has adopted policies and practices to ensure that homeless students are not stigmatized or segregated on the basis of their being homeless.</p> <p>NCLB: Title X, Part C, Sec. 722(g)(1)(J) (i)</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 14B | <p>Comparability of services for homeless students If they meet any eligibility criteria, homeless students are provided services comparable to services offered to other students in the school, including: Title I services; educational programs for students with disabilities; educational programs for students with limited English proficiency; programs in vocational and technical education; and programs for gifted and talented students.</p> <p>NCLB: Title X, Part C, Sec. 722 (g)(4)</p> |
| | Rating: Implemented District Response Required: No |

| CRITERION NUMBER | |
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| | Legal Standard |
| MOA 15 | <p>Non-discriminatory administration of scholarships, prizes and awards Scholarships, prizes and awards sponsored or administered by the district are free of restrictions based upon race, color, sex, religion, national origin, sexual orientation or disability. Schools may post or print information regarding private restricted scholarships as long as no preferential treatment is given to any particular scholarship offered and as long as the school does not endorse or recommend any such scholarship nor advise or suggest to a particular student that he or she apply for such a scholarship.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.37; Section 504: 29 U.S.C. 794; 34 CFR 104.4(b)(1)(v); Title II: 42 U.S.C. 12132; 28 CFR 35.130(b)(1)(v); Mass. Const. amend. art. 114; M.G.L. c. 76, s. 5; 603 CMR 26.07(7)</p> |
| | Rating: Implemented District Response Required: No |

| CRITERION NUMBER | |
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| | Legal Standard |
| MOA 16 | <p>Notice to students 16 or over leaving school without a high school diploma, certificate of attainment, or certificate of completion</p> <p>1. Within ten days from a student's fifteenth consecutive unexcused absence, the school provides written notice to students age 16 or over and their parents or guardians. The notice is in English and the family's native language and states that the student and the parent or guardian may meet with a representative of the district within ten days from the date the notice was sent. At the request of the parent or guardian, the district may consent to an extension of the time for the meeting of not longer than fourteen days.</p> <p>2. At the meeting the participants discuss the reasons that the student is leaving school and alternative educational or other placements. The student and parent or guardian are told that attendance is voluntary after the student turns 16 but are also informed of the student's right to return to school.</p> <p>M.G.L. c. 76, ss. 5, 18; St. 1965, c. 741</p> |
| | Rating: Not Applicable District Response Required: No |

Department of Education Findings:

The MCCPS is a grade four through eight school and is not subject to the requirements of this criterion.

| CRITERION NUMBER | |
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| | 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. Such training occurs within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. 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>M.G.L. c. 71, s. 37G; 603 CMR 46.00</p> |
| | <p>Rating: Implemented District Response Required: No</p> |

| CRITERION NUMBER | CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION |
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| | Legal Standard |
| MOA 18 | <p>Responsibilities of the school principal</p> <ol style="list-style-type: none"> 1. Instructional support. 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 |

| CRITERION NUMBER | CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION |
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| | Legal Standard |
| | <p>level, appropriate services for linguistic minority students, and other services consistent with effective educational practices and the requirements of M.G.L. 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.</p> <p><u>2.</u> Curriculum Accommodation Plan. The principal implements a curriculum accommodation plan developed by the district's general education program 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 general education program including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning. The plan includes provisions encouraging teacher mentoring and collaboration and parental involvement. <i>(The plan may be part of a multi-year strategic plan.)</i></p> <p><u>3.</u> Coordination with special education. The principal with the assistance of the Administrator of Special Education coordinates the delivery and supervision of special education services within each school building.</p> <p><u>4.</u> Educational services in home or hospital. 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 do not interfere with the medical needs of the student. The principal coordinates such services with the Administrator for Special Education for eligible students. Such educational services are not be considered special education unless the student has been determined eligible for such services, and the services include services on the student's IEP.</p> <p>M.G.L. c. 71, s. 38Q ½; 603 CMR 28.03(3)</p> |
| MOA 18A | <p>School district employment practices District employment practices in general are free from discrimination on the basis of race, color, national origin, sex, or disability. In particular, the district's faculty</p> |

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| CRITERION NUMBER | CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION | |
| | Legal Standard | |
| | salary scales are based on the conditions and responsibilities of employment without regard to race, color, national origin, sex, or disability, and the district's employee recruitment is aimed at reaching all groups, including members of linguistic, ethnic, and racial minorities, females and males, and persons with disabilities. Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(c); EEOA: 20 U.S.C. 1703(d); Title IX: 20 U.S.C. 1681; 34 CFR 106.51-106.61; Section 504: 29 U.S.C. 794; 34 CFR 104.11-104.14; Title II: 42 U.S.C. 12132; 28 CFR 35.140; Mass. Const. amend. art 114 | |
| | Rating: Implemented | District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 19 Reserved | |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 20 | Staff training on confidentiality of student records The district trains school personnel on the provisions of the Family Educational Rights and Privacy Act, M.G.L. c. 71, s. 34H, and 603 CMR 23.00 and on the importance of information privacy and confidentiality. FERPA: 20 U.S.C. § 1232g; 34 CFR Part 99; M.G.L. c. 71, s. 34H; 603 CMR 23.00, esp. 23.05(3) |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 21 | Staff training regarding civil rights responsibilities The district provides in-service training for all school personnel at least annually |

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| CRITERION NUMBER | | | | |
| | Legal Standard | | | |
| | <p>regarding civil rights responsibilities, including the prevention of discrimination and harassment on the basis of students' 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: 42 U.S.C. 2000d; 34 CFR 100.3; EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31-106.42; M.G.L. c. 76, s. 5; 603 CMR 26.00, esp. 26.07(2), (3)</p> | | | |
| | <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Rating: Partially Implemented</td> <td style="width: 25%;">District Response Required:</td> <td style="width: 25%;">Yes</td> </tr> </table> | Rating: Partially Implemented | District Response Required: | Yes |
| Rating: Partially Implemented | District Response Required: | Yes | | |

Department of Education Findings:

The MCCPS has not provided training to staff regarding the rights of homeless students.

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| CRITERION NUMBER | CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VII. SCHOOL FACILITIES | | |
| | Legal Standard | | |
| MOA 22 | <p>Accessibility of district programs and services for students with disabilities In at least one facility within the district, the district makes available and entirely accessible to students with disabilities all educational and vocational programs and services offered at each level (preschool, elementary and secondary).</p> <p>Section 504: 29 U.S.C. 794; 34 CFR 104.21,104.22; Title II: 42 U.S.C. 12132; 28 CFR 35.149, 35.150; Mass. Const. amend. art. 114</p> | | |
| | Rating: Implemented | District Response Required: | No |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 23 | <p>Comparability of facilities Where the district provides separate facilities for members of a specific group, those facilities are comparable to those offered other students in the district, including:</p> <ol style="list-style-type: none"> 1. separate facilities for disabled, limited-English-proficient or pregnant students that are comparable to the facilities for other students in the district; 2. separate toilet, locker room, and shower facilities for students of one gender that |

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| | Legal Standard | | |
| | <p>are comparable in size, condition, number and location to those provided students of the other gender.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(2); Title IX: 20 U.S.C. 1681; 34 CFR 106.33, 106.40(b)(3); Section 504: 29 U.S.C. 794; 34 CFR 104.34(c); Mass. Const. amend. art. 114; 603 CMR 28.03(1)(b)</p> | | |
| | <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Rating: Implemented</td> <td style="width: 50%;">District Response Required: No</td> </tr> </table> | Rating: Implemented | District Response Required: No |
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| CRITERION NUMBER | CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VIII. PROGRAM PLAN AND EVALUATION | | |
| | Legal Standard | | |
| MOA 23A | <p>Review and revision of policies to remove barriers to the enrollment and retention of homeless children and youth</p> <p>The school district has adopted policies to remove barriers to the enrollment and retention of homeless children and youth in district schools; it regularly reviews and revises those policies.</p> <p>NCLB: Title X, Part C, Sec. 722(g)(1)(I), 722(g)(7)</p> | | |
| | <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Rating: Implemented</td> <td style="width: 50%;">District Response Required: No</td> </tr> </table> | Rating: Implemented | District Response Required: No |
| Rating: Implemented | District Response Required: No | | |

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|----------------------------|--|----------------------------|---------------------------------------|
| CRITERION NUMBER | | | |
| | Legal Standard | | |
| MOA 24 | <p>Curriculum review</p> <p>The district ensures that teachers in the district review all educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, religion, national origin and sexual orientation. Appropriate activities, discussions and/or supplementary materials are used to provide balance and context for any such stereotypes depicted in such materials.</p> <p>M.G.L. c. 76, s. 5; 603 CMR 26.05(2)</p> | | |
| | <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Rating: Implemented</td> <td style="width: 50%;">District Response Required: No</td> </tr> </table> | Rating: Implemented | District Response Required: No |
| Rating: Implemented | District Response Required: No | | |

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| CRITERION NUMBER | |
| | Legal Standard |
| MOA 25 | <p>Institutional self-evaluation The district evaluates all aspects of its K-12 program annually to ensure that all students, regardless of race, color, sex, religion, national origin, limited English proficiency, sexual orientation, disability, or housing status, have equal access to all programs, including athletics and other extracurricular activities. It makes such changes as are indicated by the evaluation.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(2); EEOA: 20 U.S.C. 1703(f); Section 504: 29 U.S.C. 794; 34 CFR 104.4(b)(4); Title II: 42 U.S.C. 12132; 28 CFR 35.130(b)(3); NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 722(g)(1)(J)(i), 722(g)(7); Mass. Const. amend. art. 114; M.G.L. c. 71A, s. 7; c. 76, s. 5; 603 CMR 26.07(1),(4)</p> |
| | Rating: Implemented District Response Required: No |

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|-------------------------|--|
| CRITERION NUMBER | CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IX. RECORD KEEPING |
| | Legal Standard |
| MOA 26 | <p>Records for homeless students The school maintains for each homeless student records ordinarily kept by it, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, so that the records are available, in a timely fashion, when the student enters a new school or school district.</p> <p>NCLB: Title X, Part C, Sec. 722(g)(3)(D)</p> |
| | Rating: Implemented District Response Required: No |

ENGLISH LEARNER EDUCATION

**LEGAL STANDARDS,
COMPLIANCE RATINGS AND
DETAILED FINDINGS**

| CRITERION NUMBER | ENGLISH LEARNER EDUCATION I. ASSESSMENT OF STUDENT PROGRESS |
|-------------------------|--|
| | Legal Standard |
| ELE 1 | <p>Annual Assessment</p> <ol style="list-style-type: none"> 1. The district annually assesses the English proficiency of all limited English proficient (LEP) students. 2. The following tests selected by the Massachusetts Board of Education are administered annually by qualified staff to students who are English learners: <ol style="list-style-type: none"> (a) the Massachusetts Comprehensive Assessment System (MCAS) in grades 3-12 (see implementation guidance under ELE 2); and (b) the Massachusetts English Proficiency Assessment (MEPA) in grades 3-12, and the Massachusetts English Language Assessment – Oral (MELA-O) in grades K-12. <p>Authority: G.L. c. 71A, § 7; 603 CMR 14.02; NCLB, Title I and Title III</p> |
| | Rating: Implemented District Response Required: No |

| CRITERION NUMBER | |
|-------------------------|---|
| | Legal Standard |
| ELE 2 | <p>MCAS Participation</p> <p>Limited English proficient students participate in the annual administration of the MCAS (Massachusetts Comprehensive Assessment System) exam as required and in accordance with Department guidelines.</p> <p>Authority: GL. C. 71A, § 7; G.L. c. 69, § 1I; N.C.L.B., Title I, Title VI</p> |
| | Rating: Implemented District Response Required: No |

| CRITERION NUMBER | ENGLISH LEARNER EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT |
|-------------------------|---|
| | Legal Standard |
| ELE 3 | <p>Initial Identification</p> <p>The district has procedures that actively seek to identify limited English proficient students.</p> |

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|-------------------------|---|---------------------------------------|
| CRITERION NUMBER | ENGLISH LEARNER EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT | |
| | Legal Standard | |
| | Authority: G.L. c. 71A § 4, 5 | |
| | Rating: Implemented | District Response Required: No |

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|-------------------------|--|---------------------------------------|
| CRITERION NUMBER | | |
| | Legal Standard | |
| ELE 4 | <p>Waiver Procedures</p> <ol style="list-style-type: none"> 1. Waivers may be considered based on parent request, providing the parent annually visits the school and provides written informed consent. Parents must be informed of their right to apply for a waiver, and provided with program descriptions <i>in a language they can understand</i>. 2. Students who are under age 10, may only be granted waivers if (a) the student has been placed in an English language classroom for at least 30 calendar days, (b) the school certifies in no less than 250 words that the student “has special and individual physical or psychological needs, separate from lack of English proficiency” that requires an alternative program, and (c) the waiver is authorized by both the school superintendent and principal. All waiver requests and school district responses (approved or disapproved waivers) must be placed in the student’s permanent school record. For students under age 10, both the superintendent and the principal must authorize the waiver, and it must be made under guidelines established by, and subject to the review of the local school committee. These guidelines may, but are not required to, contain an appeals process. Students who are over age 10 may be granted waivers when it is the informed belief of the school principal and educational staff that an alternative program would be better for the student’s overall educational progress. Students receiving waivers may be transferred to other English language education programs. See 603 CMR 14.04. <p style="text-align: center;">Authority: G.L. c. 71A, § 5</p> | |
| | Rating: Implemented | District Response Required: No |

| CRITERION NUMBER | |
|-------------------------|---|
| | Legal Standard |
| ELE 5 | <p>Program Placement and Structure</p> <ol style="list-style-type: none"> 1. The district places LEP students in <ol style="list-style-type: none"> (a) “sheltered English immersion” classrooms, in which nearly all books and instructional materials are in English, but with the curriculum and presentation designed for students who are learning the language. All reading, writing and subject matter are taught in English. Teachers may use an English learner’s native language, when necessary, for clarification purposes. Districts may also modify general education and other classrooms, so that the activities and instruction in those classrooms provide sheltered English instruction to LEP students; or (b) “two-way bilingual” classrooms, in which students develop language proficiency in two languages by receiving instruction in English and another language in a classroom that is usually comprised of an equal number of proficient English speakers and proficient speakers of the other language; or (c) (for kindergarten students) either a sheltered English immersion, two-way bilingual, or an English-only language general education classroom with assistance in English language acquisition, including, but not limited to, English as a second language; or (d) (as a result of an approved waiver) bilingual education or another program in which the students are taught all courses required by law and by the school district. 2. The districts provides LEP students with content instruction that is based on the Massachusetts Curriculum Frameworks. 3. The district provides English language development instruction that is based on the English Language Proficiency Benchmarks and Outcomes, regardless of the program model. 4. The district uses assessment data to plan and implement educational programs for students at different instructional levels. <p style="text-align: center;">Authority G.L. c. 71A, § 2, 4, 7; Title VI</p> |
| | <p>Rating: Partially Implemented District Response Required: Yes</p> |

Department of Education Findings:

There is no evidence to indicate that the teachers who are providing Sheltered English Immersion (SEI) to limited English proficient (LEP) students are receiving the professional development required to teach English Language Learners (M.G.L. c. 71A) in public schools.

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| CRITERION NUMBER | |
| | Legal Standard |
| ELE 6 | <p>Program Exit and Readiness</p> <p>1. The district does not re-designate a student from Limited English Proficient (LEP) to Formerly Limited English Proficient (FLEP), until s/he is deemed English proficient, and:</p> <ul style="list-style-type: none"> a) can participate meaningfully in all aspects of the district’s general education program without the use of adapted or simplified English materials; and b) performs at “proficient” levels on state-mandated assessments. <p>2. Districts do not limit or cap the amount of time in which an LEP student is placed in a language support program and only exits the student from such a program after determining that the student is proficient in English.</p> <p style="text-align: center;">Authority: Title VI; G.L. c. 71A, § 4</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | ENGLISH LEARNER EDUCATION III. PARENTAL INVOLVEMENT |
| | Legal Standard |
| ELE 7 | <p>Parent Involvement</p> <p>The district develops a mechanism for including parents or guardians of LEP students in matters pertaining to their children’s education.</p> <p>Authority: Title VI</p> |
| | Rating: Implemented District Response Required: No |

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|-------------------------|---|
| CRITERION NUMBER | ENGLISH LEARNER EDUCATION IV. CURRICULUM AND INSTRUCTION |
| | Legal Standard |
| ELE 8 | <p>Declining Entry to a Program</p> <p>The district provides English language support to students whose parents have declined entry to a sheltered English immersion, two-way bilingual, or other ELE program.</p> |

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|-------------------------|---|---------------------------------------|
| CRITERION NUMBER | ENGLISH LEARNER EDUCATION IV. CURRICULUM AND INSTRUCTION | |
| | Legal Standard | |
| | Authority: Title VI | |
| | Rating: Implemented | District Response Required: No |

| | | |
|-------------------------|--|---------------------------------------|
| CRITERION NUMBER | | |
| | Legal Standard | |
| ELE 9 | Instructional Grouping <ol style="list-style-type: none"> 1. The district only groups students of different ages together in instructional settings if their levels of English proficiency are similar. 2. The district's grouping of students ensures that LEP students receive effective content instruction at appropriate academic levels and English language development instruction that is based on the English Language Proficiency Benchmarks and Outcomes. <p style="text-align: center;">Authority: G.L. c. 71A, § 4; Title VI</p> | |
| | Rating: Implemented | District Response Required: No |

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| CRITERION NUMBER | | |
| | Legal Standard | |
| ELE 10 | Parental Notification <ol style="list-style-type: none"> 1. Upon placement in the ELE program, a notice is mailed to the parents or guardians written in the primary/home language, as well as in English, that informs parents of: <ol style="list-style-type: none"> (a) the reasons for identification of the student as Limited English Proficient (LEP); (b) the child's level of English proficiency; (c) program placement and/or the method of instruction used in the program; (d) how the program will meet the educational strengths and needs of the student; (e) how the program will specifically help the child learn English; (f) the specific exit requirements; and (g) the parents' right to apply for a waiver (see ELE 4), or to decline to enroll their child in the program (see ELE 9). | |

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| CRITERION NUMBER | |
| | Legal Standard |
| | <p>(All districts need to comply with a-c and g. Title III districts must comply with a-g. Title III districts must send parental notification no later than 30 days after the beginning of the school year.)</p> <p>2. The district provides to parents and guardians of LEP students, report cards, and progress reports in the same manner and with the same frequency as general education reporting. The reports are, to the maximum extent possible, written in a language understandable to the parent/guardian.</p> <p>Authority: NCLB, Title III; c. 71A, §7; 603 CMR 14.02</p> |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | ENGLISH LEARNER EDUCATION V. STUDENT SUPPORT SERVICES |
| | Legal Standard |
| ELE 11 | <p>Equal Access to Academic Programs and Services</p> <ol style="list-style-type: none"> 1. The districts does not segregate LEP students from their English-speaking peers, except where programmatically necessary, to implement an English learner education program. 2. The district ensures that LEP students participate fully with their English-speaking peers and are provided support in non-core academic courses. 3. The district ensures that LEP students have the opportunity to receive academic support services, such as guidance and counseling, in the student's primary language. 4. The district ensures that LEP students are taught to the same academic standards and curriculum as all students, and provides the same opportunities to master such standards as other students, including the opportunity to enter academically advanced classes, receive credit for work done, and have access to the full range of programs. 5. The district uses grade appropriate content objectives for LEP students that are based on the district curricula in English language arts, history and social science, mathematics, and science and technology/engineering, taught by qualified staff members. 6. LEP students receive English language development instruction that is based on those standards contained in the Massachusetts English Language Proficiency Benchmarks and Outcomes. 7. The district provides access to the full range of academic opportunities and supports afforded non-LEP students, such as special education services, Section 504 Accommodation Plans, Title I services, career and technical education, and the supports outlined in the district's curriculum |

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| CRITERION NUMBER | ENGLISH LEARNER EDUCATION V. STUDENT SUPPORT SERVICES | | |
| | Legal Standard | | |
| | accommodation plan. Authority: Title VI; c. 71A, §7; 603 CMR 26.07 (8) | | |
| | Rating: Implemented | District Response Required: | No |

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| CRITERION NUMBER | | | |
| | Legal Standard | | |
| ELE 12 | Equal Access to Nonacademic and Extracurricular Programs The district provides appropriate support, where necessary, to limited English proficient students to ensure that they have equal access to the nonacademic programs and extracurricular activities available to their English-speaking peers. Authority: Title VI; 603 CMR 26.06 (2) | | |
| | Rating: Implemented | District Response Required: | No |

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| CRITERION NUMBER | | | |
| | Legal Standard | | |
| ELE 13 | Follow-up Support <ol style="list-style-type: none"> 1. The district actively monitors students who have exited an English learner education program for two years and provides language support services to those students, if needed. 2. To the extent possible, the district provides access to adult basic education in English language and literacy skill instruction for LEP students who were previously enrolled in a public secondary school in the Commonwealth directly from a country other than the United States and who were unable to achieve English language proficiency as determined by assessments. Authority: Title VI; G.L. c. 71A; NCLB | | |
| | Rating: Implemented | District Response Required: | No |

| CRITERION NUMBER | ENGLISH LEARNER EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION | | |
|------------------|--|------------------------------------|-----------|
| | Legal Standard | | |
| ELE 14 | <p>Licensure and Fluency Requirements</p> <ol style="list-style-type: none"> 1. The district assures that all teachers in English language classrooms are literate and fluent in English. 2. Teachers and educational staff who are qualified and who teach limited English proficient students hold the appropriate licenses or current waivers issued by the Department of Education. Districts have certified and qualified staff in their ELE program. 3. If any district has a director of English language learner programs who is employed in that position for one-half time or more, that director has a Supervisor/Director license and an English as a Second Language, Transitional Bilingual Education, or English Language Learners license. 4. If a district with 200 or more LEP students has a director of English language learner programs, that director has an English as a Second Language, Transitional Bilingual Education, or English Language Learners license even if he or she is employed in that position for less than one-half time. <p>Authority: G.L. c. 71, § 38G; G.L. c. 71A, §§ 2, 24, 25; Title VI; 603 CMR 14.05</p> | | |
| | Rating: Implemented | District Response Required: | No |

| CRITERION NUMBER | | | |
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| | Legal Standard | | |
| ELE 15 | <p>Professional Development Requirements</p> <p>District schools with LEP students implement a professional development plan that provides teachers and administrators with high quality training in (1) second language learning and teaching; (2) sheltering content instruction; (3) assessment of speaking and listening; and (4) teaching reading and writing to limited English proficient students. The school provides training opportunities to teachers of LEP students that ensure the progress of LEP students in developing oral comprehension, speaking, reading, and writing of English, and in meeting academic standards.</p> <p>Authority: M.G.L. c71, § 59C; NCLB, Title III</p> | | |

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

Department of Education Findings:

There is no evidence to indicate that the teachers who are providing Sheltered English Immersion (SEI) to limited English proficient (LEP) students are receiving the professional development required to teach English Language Learners (M.G.L. c. 71A) in public schools.

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| CRITERION NUMBER | ENGLISH LEARNER EDUCATION VII. SCHOOL FACILITIES | | |
| | Legal Standard | | |
| ELE 16 | <p>Equitable Facilities The district ensures that LEP students are provided facilities, materials and services comparable to those provided to the overall student population.</p> <p>Authority: Title VI; 603 CMR 26.07</p> | | |
| | Rating: Implemented | District Response Required: | No |

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| CRITERION NUMBER | ENGLISH LEARNER EDUCATION VIII. PROGRAM PLAN AND EVALUATION | | |
| | Legal Standard | | |
| ELE 17 | <p>DOE Data Submission Requirements and Program Evaluation</p> <ol style="list-style-type: none"> 1. The district reports annually to the Department, the following student information: <ol style="list-style-type: none"> a. the schools in which LEP students are enrolled; b. the grade levels of the students; c. the primary languages of each LEP student; and d. the types of English learner programs in which the district has enrolled LEP students, including sheltered English immersion, two-way bilingual, transitional bilingual education (for students with waivers only), or students whose parents have declined services. 2. The district conducts periodic evaluations of the effectiveness of its ELE program. The students are showing English language development and the ability to participate meaningfully in the educational program. Where the district documents that the program is not effective, it takes steps to | | |

| CRITERION NUMBER | ENGLISH LEARNER EDUCATION VIII. PROGRAM PLAN AND EVALUATION |
|------------------|---|
| | Legal Standard |
| | <p>make appropriate program adjustments or changes that are responsive to the outcomes of the program evaluation.</p> <p>For Title III districts:</p> <p>3. The district provides information to the Department that describes:</p> <ul style="list-style-type: none"> (a) ELE programs and activities; (b) a description of the progress made by students in learning English and academic content; (c) the number and percentage of students in the programs attaining English proficiency by the end of the school year; and (d) the description of academic progress made by the students. <p>Authority: M.G.L. c 71A; NCLB, Title III, Title VI; 603 CMR 14.03</p> |
| | <p>Rating: Implemented District Response Required: No</p> |

| CRITERION NUMBER | ENGLISH LEARNER EDUCATION IX. RECORD KEEPING |
|------------------|--|
| | Legal Standard |
| ELE 18 | <p>Records of LEP Students</p> <ul style="list-style-type: none"> 1. Cumulative records of English language learners are maintained in a confidential fashion, as required by the Massachusetts Student Record Regulations, and are available to parents upon request. 2. LEP student records include: <ul style="list-style-type: none"> (a) home language survey; (b) results of identification and proficiency tests and evaluations, including MELA-O, MEPA, MCAS, or other tests chosen by the Board of Education and the district; (c) information about students' previous school experiences; (d) copies of parent notification letters, progress reports and report cards (in the native language, if necessary); (e) evidence of follow-up monitoring (if applicable); (f) documentation of a parent's consent to "opt-out" of English learner education; and (g) Individual Student Success Plans for students who have failed MCAS, if the district is required to complete plans for non-LEP students. <p>Authority: 603 CMR 23.05, 23.07; c 69, § 1I; Title VI</p> |
| | <p>Rating: Implemented District Response Required: No</p> |

NUTRITION PROGRAMS AND SERVICES

LEGAL STANDARDS, COMPLIANCE RATINGS AND DETAILED FINDINGS

Code of Federal Regulations:

7 CFR Parts: 210 National School Lunch Program

215 Special Milk Program for Children

220 School Breakfast Program

227 Nutrition Education and Training Program

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

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

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

Department of Education Findings:

Direct Certification

- *The list of students directly certified for free benefits had not been accessed prior to the review. Technical assistance was provided at the time and the list could not be accessed. Please immediately contact the Department of Education’s (DOE) technology representative to gain access to this list. Any student whose name appears on said list should be immediately added to the benefit issuance list. An application is not required.*

Application Process

- *The bottom of the free and reduced applications were blank. Please be advised that applications must indicate whether or not the application was approved for benefits, the level of benefit and the accompanying reason. The determining official is responsible for making the initial determination (and must sign and date all applications) and the confirming official is responsible for checking all applications (and must sign and date all applications when checked).*

7CFR §210.9 Civil Rights

- *Please ensure that the civil rights poster provided during the review is hung in a place visible to recipients.*

7CFR §210.15 Reporting & Record Keeping

- *Sections A and B of Mass. Form FP-9 were not completed. Please ensure that all sections are routinely completed. In section B, please put the highest number of students eligible for free and reduced benefits (for that month).*

| CRITERION NUMBER | | |
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| | Legal Standard | |
| NS 2 | Records indicate that lunches claimed for reimbursement within the school food authority contain food items/components as required by program regulations. 7 CFR 210.18 (g) (2) | |

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

Department of Education Findings:

7CFR §210.15(b)(2) Production Records & Menus

- *The menu (and accompanying production records) for the review month of January did not list grain components on January 3rd, January 9th or January 30th although grain components were available on those days. Please add ‘sandwich’ or ‘on a bun/roll’ to the menu and production records where applicable. Please also add to the menu that a fruit bowl (apples, oranges and sometimes bananas) is available daily for both breakfast and lunch.*

7CFR §210.2 Point Of Service

- *At the cash box station, where meals were counted, students were asked whether or not they wanted a milk (the milk chest is located against the wall in back of the cash box station). If a student had taken two components and responded ‘yes’ to the question, then the meal was counted for reimbursement. Please be advised that a Point Of Service (POS) meal count is defined as ‘that point in the food service operation where a determination can accurately be made that a reimbursable free, reduced price or paid lunch has been served to an eligible child.’ Therefore, all components must be made available before the point of service meal count. Please briefly describe the revised meal count system.*

7CFR §220.8 Point of Service Breakfast Count

- *The breakfast meal count system is the same as it is for lunch. Please briefly describe the revised meal count system.*

7CFR §220.8(6) Reporting and Record Keeping/Breakfast

- *Breakfast menus have not been maintained, but production records have. Please complete breakfast menus.*

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

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|-------------------------|---|
| CRITERION NUMBER | |
| | Legal Standard |
| NS 4 | The School Food Authority works to strengthen the following school nutrition program participation and management practices: a. school nutrition participation b. nutrition education activities c. productivity evaluation 7CFR 210.19; 7CFR 220.8; 7CFR 210.9 |
| | Rating: Implemented District Response Required: No |

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|-------------------------|---|
| CRITERION NUMBER | |
| | Legal Standard |
| NS 5 | All eligible students have access to the school food services program. 7 CFR 15b; 7 CFR 210.23(c). |
| | Rating: Implemented District Response Required: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| NS 6 | The School Food Authority ensures that established sanitation and health standards are implemented. Facilities are properly safeguarded against theft, spoilage and other loss. 7 CFR 210.13 |
| | Rating: Implemented District Response Required: No |

**APPENDIX:
SCHOOL DISTRICT PROFILE INFORMATION**

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

School District Profile Information

Introduction

The Massachusetts Department of Education collects a variety of data from schools and districts in the state. Some of the information collected is published in the School and District Profiles. In addition to profiles, users can also view and download school & district directories and data reports. The data reports provide particular data for all schools & districts and can be sorted and/or exported. A "profile" is a snapshot of the data for a specific school/district or charter school.

Organization Types

| | |
|---|---|
| <u>Approved Special Education Schools</u> | Responsible for providing an education for students with disabilities. A school district (LEA) may place a student in an out-of-state program if it believes that such program is the most appropriate for the student. |
| <u>Charter School</u> | Public schools that are created by parents, teachers, businesses, and community leaders and have the freedom to organize their activities around a core mission, curriculum, or teaching method. Their autonomy gives them the freedom to create their own budgets and to hire and fire teachers and staff. |
| <u>Collaborative</u> | Collaboratives are formed through an agreement among two or more school committees to provide education for their member school systems. Agreements must be filed with the Commissioner of DOE. A Board representative of each member school committee manages them. |
| <u>Private School</u> | A non-publicly funded school that provides educational services directly to attending students. |
| <u>Public School</u> | Public schools are administered by a Public School District, and provide educational services directly to attending students. |
| <u>Public School Districts</u> | An administrative unit responsible for managing primary and secondary school services within a defined geographical boundary. |

About the Data

Data in Profiles is displayed in four sections:

[Directory Information](#)

[Enrollment/Indicators](#)

[Test Results](#)

[Finance](#) - district level only

Directory Information

Districts view, add, update and delete their own directory information to ensure that the information is as up-to-date and accurate as possible.

DOE Code:

The eight-digit DOE Code following the school or district name is 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 DOE code "02660505" stands for "0266" (Sharon Public Schools) + "0505" (Sharon High).

Prior to the 2001 school year, DOE 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 DOE code was 266505.

Please Note: The DOE Code is not the same as the Institution codes assigned by the College board for SAT and AP results or the NCES code assigned to Massachusetts schools by the U.S. Department of Education.

Grades/Schools:

For districts this section displays 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. Kindergarten starting age indicates the age as of a particular date at which children are eligible to begin kindergarten.

Relationships: (for districts only)

- **Membership - Union:** A "school union" is a group of school systems that are administered by one superintendent.
- **Grade Tuition Agreement:** A town may tuition all their students in a particular grade span into another school system.
- **Membership - Academic Regional:** A regional school district provides educational services to more than one town. For a city/town district, this lists the name(s) of any academic regional district(s) of which the local school district is a member. For an academic regional district, this lists the member cities and towns.
- **Membership - Vocational Regional:** A regional school district provides educational services to more than one town. For a city/town district, this lists the name(s) of any vocational regional district(s) of which the local school district is a member. For a vocational regional district, this lists the member cities and towns.
- **Membership - Independent Vocational:** An independent vocational district is administered by a board of trustees. For a city/town district, this lists the name(s) of any independent vocational district(s) of which the local school district is a member. For an independent vocational district, this lists the member cities and towns. Tuition is charged to out-of-town residents.
- **Membership - County Agricultural:** A county agricultural district is administered by a board of trustees. For a city/town district, this lists the name(s) of any county agricultural district(s) of which the local school district is a member. For a county agricultural district, this lists the member cities and towns.
- **Membership - Collaboratives:** Educational Collaboratives are formed through an agreement among two or more school committees to provide educational programs or services for their member school systems. For a district, this lists the name(s) of any collaboratives of which the district is a member. For a collaborative this lists the member districts.
- **Private Schools located in this city/town:** Lists the private schools located in the city/town.

Organization Characteristics

- **Chapter 74 Approved Vocational Technical Program:** Programs that meet the definition of vocational technical education contained in Massachusetts General Law Chapter 74, Section 1

and are approved by the Department of Education pursuant to c. 74 and the Vocational Technical Education Regulations 603 CMR 4.00 are known as "Chapter-74 approved programs".

- **Charter School Type:**

Commonwealth- A public school that is managed by a board of trustees and operates independently of any school committee under a five-year charter granted by the Board of Education. It has the freedom to organize around a core mission, curriculum, theme, and/or teaching method and to control its own budget and hire (and fire) teachers and staff. In return for this freedom, a charter school must attract students and produce positive results within five years or its charter will not be renewed.

Horace Mann- Operates under the same set of rules as described above, with the following exceptions. First, a Horace Mann charter school must have its charter approved by the local school committee and the local teacher's union in addition to the Board of Education. Second, to the extent provided by their charters, Horace Mann charter schools may be exempt from certain provisions in local collective bargaining agreements. Third, employees of a Horace Mann charter school remain members of the local collective bargaining unit; continue to accrue seniority; and receive, at a minimum, the salary and benefits established by the local collective bargaining agreement.

- **District Operating Status:**

Non-Operating - A town that does not directly operate a school district. The town belongs to a regional school district or pays tuition for their students to attend another school district.

Operating - A city/town that operates its own local school district. It may operate as its own district at some grades, and belong to a regional district or tuition out its students at other grades.

- **District Title I Status:** A district that receives federal Title I funding.

- **District Type:**

Institutional School - State institutional schools that are administered by the DOE.

County Agricultural - Agricultural school district that is administered by a board of trustees.

Independent Public - This category includes Commonwealth Charter Schools, Horace Mann Charter Schools and the Massachusetts Academy of Mathematics and Science.

Independent Vocational - Vocational school district that is administered by a board of trustees.

Local School - District that is administered by a city or town school committee.

Regional Academic - District that is administered by a regional school committee.

Regional Vocational Tech - District that is administered by a regional vocational school committee.

- **Inter-District School Choice:**

Does Not Offer Choice - The local school committee has voted not to accept students from other communities under the School Choice regulations.

Not Accepting New Enrollments - The school district participates in the School Choice program, but is not accepting new students at this time.

Offers Choice - The school district is accepting students from other districts as defined under the School Choice regulations.

- **Out of State School** (Only those out-of-state schools which MA students attend with public funds are listed.):
Private School - a non-public school located outside of Massachusetts.
Public School - a public school located outside of Massachusetts.
- **School Title I Status:**
Non-Title I School - School does not have a Title I program.
Title I School (SW) - School has a Schoolwide Title I program.
Title I School (TA) - School has a Targeted Assistance Title I program.
Title I School (TAP) - School has a Targeted Assistance Title I program and is in the planning year to have a Schoolwide program
- **Special Ed Single Source (Unapproved) Program:** The program has not met program and safety requirements as defined under Massachusetts and federal law.
- **Special Education Approved Program:** The program meets program and safety requirements as defined under Massachusetts and federal law.

Enrollment/Indicators

Enrollment

Enrollment by Grade: Indicates the total number of students by grade, including pre-kindergarten (PK), kindergarten (K) and special education beyond grade 12 (SP).

source: [SIMS](#)

data as of: October 1

Enrollment by Race/Ethnicity: Indicates the percent of enrollment by race/ethnicity.

source: [SIMS](#)

data as of: October 1

Enrollment by Gender: Indicates the count of students by gender.

source: [SIMS](#)

data as of: October 1

Indicators

Dropout Rate: 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 the following October 1. Dropouts are defined as students who leave school prior to graduation for reasons other than transfer to another school.

source: [SIMS](#)

data as of: end of year, October 1

Attendance: Attendance rate indicates the average percentage of days in attendance for students enrolled in grades 1 - 12.

source: [SIMS](#)

data as of: end of year

In-School Suspension Rate: The percentage of enrolled students who received one or more in-school suspensions.

source: [SIMS](#)
data as of: end of year

Out-of-School Suspension Rate: The percentage of enrolled students who received one or more out-of-school suspensions.

source: [SIMS](#)
data as of: end of year

Retention Rate: The percentage of enrolled students who were repeating the grade in which they were enrolled the previous year.

source: [SIMS](#)
data as of: Oct 1

Exclusions rate per 1000: Indicates the rate of exclusions per 1000 students 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.

source: Exclusions Report
data as of: End of School Year

Selected Populations

First Language not English: Indicated the percentage of enrolment whose first language is a language other than English.

source: [SIMS](#)
data as of: Oct 1

Limited English Proficient: Indicates the percent of enrollment who are limited English proficient, defined as "a student whose first language is a language other than English who is unable to perform ordinary classroom work in English."

source: [SIMS](#)
data as of: October 1

Low-income: Indicates the percent of enrollment who meet ANY ONE of the following definitions of low income:

The student is eligible for free or reduced price lunch; or
The student receives Transitional Aid to Families benefits; or
The student is eligible for food stamps


source: [SIMS](#)
data as of: October 1

Teacher Data

Total # of Teachers: Total number of teachers employed by the district/school, measured in "full-time equivalency".

source:  [DSSR](#)
data as of: October 1

% of Teachers Licensed in Teaching Assignment: Percentage of teachers who are licensed with Provisional, Initial or Professional licensure to teach in the area(s) in which they are teaching.

source:  [DSSR](#)
data as of: October 1

Total # of Teachers in Core Academic Areas: The total number of teachers measured in "full-time equivalency", teaching in the core academic subject areas as defined by the No Child Left Behind Act of 2001 (English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography).

source:  [DSSR](#)
data as of: October 1

% of Core Academic Teachers Identified as Highly Qualified: The percentage of staff, measured in "full-time equivalency", teaching core academic areas that meet the NCLB definition of highly-qualified. To meet the definition, teachers must hold a valid Massachusetts license AND demonstrate subject matter competency in the areas the teach.

source:  [DSSR](#)
data as of: October 1

Student/Teacher Ratio: The October 1 student enrollment to the total number of teachers


source:  [DSSR](#)
data as of: October 1

Other Data

Special Education: Indicates the percent of enrollment who have an Individualized Education Program.

source: [SIMS](#)
data as of: October 1

Children Attending Public Schools: Indicates the percent of school-age children in a city or town attending public schools.

source:  [School Attending Children](#)
data as of: January 1

Technology: Indicates the number of students for every "modern" (Type A or B) computer and the percent of classrooms with Internet access. "DNR" appears for schools and districts which did not yet report data.

source: [Tech Plan Update](#)
data as of: June 30


Plans of High School Graduates: Indicates the post-graduate intentions of high school graduates.

source: [SIMS](#)
data as of: end of year

Test Results

Massachusetts Comprehensive Assessment System (MCAS):

For all years of the MCAS:

- **Percent of Students at Each Performance Level**, (default view) - Shows percent of students at each performance level for the current year. Select a year to view historical performance level data.
- **MCAS Annual Comparisons** - Shows a graphical display comparing MCAS performance level results over time. Select the icon , or select "MCAS Annual Comparisons" from More MCAS Reports

For 2001 and subsequent years:

- **Participation Results by Grade, Subject** - Shows the number and percent of students participating in the MCAS by each grade and subgroup including regular education students,

students with disabilities, limited English proficient students. (listed under "More MCAS Reports")

- **Results by Race, Gender, Special Education, Low Income & Migratory Status** - Shows number and the percent of students participating in each subgroup by school/district and the percent of students at each performance level. (listed under "More MCAS Reports")
- **Test Item Analysis Data** - Shows average test item score for school/district and state, percent of students answering items correctly, percent of responses for each choice, and the correct multiple-choice answer. (select a "Grade and Subject" from the Percent of Students at Each Performance Level).

Adequate Yearly Progress and Accountability Data

- **For 2003: Cycle III Mid-cycle AYP Determinations**
- **For 2004: Cycle III Accountability Report** - Performance and improvement ratings for public schools

Finance - District level data only

Per Pupil Expenditures: 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.

source: [End of Year Pupil and Financial Report](#)
data as of: June 30

Teacher Salary: Total teaching salaries, divided by the number of full-time equivalent teachers, equals the average teacher salary.

source: [End of Year Pupil and Financial Report](#)
data as of: June 30

This Coordinated Program Review Final Report is also available at:
<http://www.doe.mass.edu/pqa/review/cpr/reports/> .

SE, MOA, ELE, TI, N – 2006.doc

File Name: Marblehead Community Charter Public School Final CPR – 2006.doc

Last Revised on: 03/14/07

Prepared by: RB, DWK.