



Manchester Essex Regional School District

COORDINATED PROGRAM REVIEW REPORT OF FINDINGS

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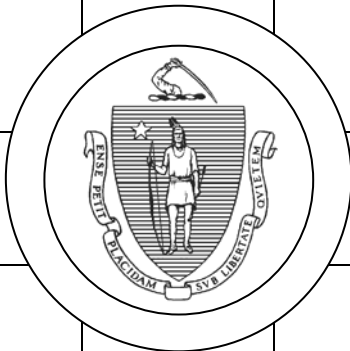
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**MASSACHUSETTS DEPARTMENT OF EDUCATION
COORDINATED PROGRAM REVIEW**

Manchester Essex Regional School District

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MASSACHUSETTS DEPARTMENT OF EDUCATION

COORDINATED PROGRAM REVIEW REPORT

Manchester Essex Regional School District

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 four-member Massachusetts Department of Education team visited Manchester Essex Regional School District during the week of May 8, 2006 to evaluate the implementation of selected criteria in the program areas of Special Education, Civil Rights, English Language Education, and McKinney-Vento. 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 comment on the following areas of strength brought to its attention and review team believes have a significant and positive impact on the delivery of educational services for students enrolled in the Manchester Essex Regional School District. These areas are as follows:

The administration of Manchester Essex Regional School District combines high expectations with strong levels of support in the classroom. Teacher Assistance Teams, Student Assistance Teams, and Child Study Teams provide a first line of support for students (especially at the elementary level). Strong lines of communication, high levels of teacher ownership of both students, and the pre-referral process, as well as district support for common planning time contribute to provide an excellent inclusionary model that is reflective of the concept of Least Restrictive Environment while supporting students both academically and emotionally. Professional development is strength and reflects the district's proactive response to meeting the needs of students.

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:

- 11 interviews of administrative staff.
- 27 interviews of teaching and support services staff across all levels.
- Interviews of three parent advisory council (PAC) representatives.
- Interviews as requested by persons from the general public.
- Student record reviews: The Department selected a sample of 25 student records (Special Education and English Language Learner 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: 50 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-five of these parent surveys were returned to the Department of Education for review by the onsite team.
- Observation of classrooms and other facilities. All instructional classrooms and other school facilities used in the delivery of programs and services were 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

Manchester Essex Regional School District

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 district has an assessment system in place to determine student eligibility for special education. Appropriate tests and evaluation materials are used and placements are made in accordance with the principle of placement in the least restrictive environment (LRE). Individualized Education Program (IEP) team composition and attendance are consistently appropriate and Teams re-convene at least annually on, or before, the anniversary date of the implementation of the IEP to consider progress, to review, revise, or develop a new IEP or refer the student for re-evaluation. There is concern that assessments do not always contain a summary of the student's needs with explicit recommendations for meeting them, that educational histories and teacher assessments are completed for initial evaluations, but are not included in subsequent re-evaluations and that the district does not consistently implement re-evaluation procedures in all cases where it is suspected that a student is no longer eligible for special education. Progress reports include written information on the student's progress towards the annual goals in the IEP, including information as to the extent in which progress is sufficient to enable the student to achieve the goals by the end of the year, but not all goals are consistently reported on in every progress report period. Additionally, while there is discussion of transition with students 15 years old and older, there is no consistent documentation of these discussions and there is no procedure in place to obtain consent from the student at the age of majority to continue his or her special education program.

While limited English proficient students participate in the annual administration of MCAS as required by the Department, the district does not yet have staff who are trained to administer the following annual assessments; MELA_O (Massachusetts English Language Acquisition Oral) and MEPA (Massachusetts English Proficiency Assessment), as required.

In the area of Title I the district uses a variety of formal and informal assessments that cover the appropriate content areas in order to determine the educational and instructional need of the students. The assessment is conducted within specific timelines.

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?

The district has procedures in place for the identification and placement of students in need of special education services. Screening for the identification of students who need special education support is conducted for 3 and 4 year olds and for all kindergarteners in the district. Special education services are begun at age 3 for all eligible students. Teams consistently select the least restrictive program possible for students and all IEP services are provided once the parent consents to them. Teams appropriately implement requirements for extended evaluation when the team finds there is not sufficient evaluation information to develop the student's IEP. There is some concern that in most cases parents are not provided with either two (2) copies of the proposed IEP or a summary of the proposed goals and placement at the end of the IEP meeting. The review team also is concerned that some special education Teams are developing goals that carry over unchanged from one IEP period to the next, even when it has been indicated in progress reports that the student met those goals in the previous IEP period.

While the district has appropriate staff and uses appropriate procedures and assessments to identify limited English proficient students, they do not have appropriate program modifications and support services in place or available.

The district does have appropriate policies and procedures in place to ensure identification of homeless children and youth, as well as equal educational opportunity, access to services and a full range of educational programs, immediate enrollment, placement and transportation. The district provides appropriate access to in-school programs for pregnant students.

The district has generally followed procedures for student identification and placement in Title I according to the criteria in the regulations, with the exception of the creation of a rank order list of students.

Component III: Parental Involvement

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

The district makes an effort to notify parents of their rights and involves parents of special education students in all decisions regarding the education of their children. The district is committed to making sure parents can attend the meetings, and interviews indicated an extremely high rate of parent participation at Team meetings. The special education director is committed to developing and supporting a strong Special Education Parent Advisory Council.

The district provides information translated into the language of the home, as required, and informs parents or guardians of homeless students of opportunities for participation in their child's education. In addition, the district ensures that there is public notice of the educational rights of homeless children and youth, and provides information and assistance with respect to transportation of such children or youth.

The district has an extremely small ELE population (one student, at the moment) and has not yet developed policies and procedures to address the criteria in this component.

In the area of Title I, the district ensures that parents are notified in the appropriate language and involved in decisions regarding their children's program and services. The district does involve the community in shaping the program. The review team notes that the district conducts a Literacy program for Kindergarten parents. An area where the district needs improvement is in the evaluation of the effectiveness of parental involvement.

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?

The district is strongly committed to holding all students to high expectations and standards and to ensuring that programs are designed to maximize student performance within regular education. The district has aligned its general curriculum with the Massachusetts Curriculum Frameworks and ensures that all students with disabilities have access to the general curriculum. A full continuum of services and all necessary specialized materials and assistive technologies are provided for special education students including developmentally appropriate programs for children three and four years of age. All IEPs are implemented without delay, and appropriate procedures are followed to ensure that all programs used for out-of-district placements are approved by the Department of Education. Interviews and reviews of the records indicate that while monitoring may take place, monitoring plans and documentation of monitoring in out-of-district placements are not placed in the files of every eligible student who has been placed out-of-district. The district follows the requirements regarding the evaluation of and provision of services to students with special needs who are enrolled in private schools at private expense.

The district sets a school year schedule before the beginning of each school year that includes at least 185 scheduled school days for grades 1-12 and ensures that schools are in operation at least 180 of those days each school year. The district ensures that elementary students are scheduled for 900 hours of structured learning time and secondary students are scheduled for 990 hours and that such time is time during which students are engaged in regularly scheduled instruction, learning, or assessments based on the curriculum of core subjects and other subjects as required by law. Extracurricular activities sponsored by the district are non-discriminatory and provide equal opportunity for all students to participate and do not discriminate on the basis of race, sex, color, religion, national origin, sexual orientation, disability or homelessness.

In the area of Title I, the district holds all students to high expectations and standards. The program design maximizes students' performance and students' participation in the general curriculum. The curriculum is aligned with the Massachusetts Curriculum Frameworks and provides for coordination across program areas.

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?

Disabled students have equal opportunity to participate in supportive and remedial services that are available as part of the general education program, as well as the non-academic and

extracurricular programs of the district. The district provides students whose behavior impedes their learning or the learning of others with procedural safeguards according to federal law (IDEA). Special Education IEP Teams consider the need for functional behavioral assessments and behavioral plans for special education students who are having behavioral difficulties before the student violates the school's code of conduct. Procedures for recording and suspending students up to 10 days and after 10 days are in place. Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive days or a pattern of suspensions has developed of more than 10 days, which then constitutes a change in placement, are in place. The district recently reviewed its policies and procedures related to procedural requirements applied to students not yet determined to be eligible for special education and has modified its procedures to align them to state and federal requirements, and has implemented trainings with relevant personnel to ensure familiarity with those procedures.

The district ensures that its counseling and counseling materials are free from bias and has policies and procedures in place to prevent stigmatization and segregation of homeless students as well as assuring comparability of services. The district administers scholarships, prizes and awards in a non-discriminatory manner and gives notice to students 16 or older, who are leaving school without a high school diploma, certificate of attainment or certificate of completion. Some concerns are that the district's teacher code of conduct is presently under review and is therefore unavailable to teachers and administrators; the student codes of conduct contain outdated references (e.g., Chapter 622); the contact information for district-wide liaison/coordinators for grievance procedures in student handbooks differs from school to school; grievance procedures need to be updated to remove references to the Office of Equal Educational Opportunity; and while the student codes of conduct at the middle and high school level contain references to Section 504 discrimination and harassment, the student codes of conduct for the elementary schools, do not. Interviews indicate that required restraint training may not take place annually for all employees and within the first month of school for new employees. A final concern is the school committee policy presented in some handbooks and policy guides that requires a suspension of 15 days for a student who has been caught wielding a weapon, which is inconsistent with state and federal requirements and must be revised by the school committee.

In the area of English Learner Education, the district does not segregate LEP students from their English speaking peers, but has not provided a description of how it would implement the requirements of this component.

The district ensures that all students have access to the Title I program and support services. In some cases Title I services uses a pullout model and consist of modified instructions based on the students need.

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 district has an effective and qualified Administrator of Special Education who works to ensure compliance with all federal and state special education laws. All special education teachers and all special education related services providers are appropriately certified and licensed. Paraprofessional staff used to support special education and Title I services are

appropriately supervised. The district considers the needs of all staff in developing training for professional and paraprofessional staff and provides a variety of offerings.

The principals in each school, but most effectively, the two elementary schools, promote instructional practices responsive to student needs and ensure that adequate instructional support is available for students and teachers. The principals in consultation with the Administrator of Special Education provide for needed accommodations and interventions for students, document such efforts and ensure that such documentation is provided as part of the evaluation information reviewed by the Team when determining eligibility for special education. The principals implement a curriculum accommodation plan developed by the general education program designed to ensure that all efforts have been made to meet the needs of diverse learners in the general educational program and coordinate the delivery and supervision of special education services in each school building. School district employment practices are free from discrimination in all required areas, and staff is trained on maintaining the confidentiality of student records, as well as on their civil rights responsibilities.

In the area of English language learners, the district assures that all teachers are fluent in English, but not all staff who provide instruction to LEP students have received the training required to provide Sheltered English Instruction. Professional development in this area is in the preplanning stages.

In the area of Title I, all staff are certified in their specific program areas and highly qualified. Supervision is provided where needed. Program leadership and oversight is effective. Professional development activities are appropriate and designed to ensure teachers are highly qualified for their job titles.

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?

Observations indicate that special education settings in the middle school are not in all instances comparable to the venues provided to students in the regular education environment.

Facilities provided to LEP students are comparable to those provided to the overall student population.

In the area of Title I, the district maintains accessible facilities, for all students, that are conducive to learning and provides equal opportunity for all students to achieve.

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?

Documentation and interviews indicate that no specific process or procedure now exists to evaluate special education programs and services.

While the district ensures that all educational materials are reviewed for simplistic and demeaning generalizations, lacking intellectual merit on the basis of race, color, sex, religion,

national origin and sexual orientation, there is no specific process or procedure in place to evaluate all aspects of its K-12 program to ensure that all students regardless of race, color, sex, religion, national origin, LEP status, sexual orientation, disability, or housing status have access to all programs.

The district does evaluate its ELE program annually.

In the area of Title I, the district does evaluate its programs annually but it is not a written evaluation. The district should conduct a formal written evaluation to ensure that the most pressing desired needs will continue to be addressed.

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?

All required records and documentation are appropriately maintained for special education and English language education.

In the area of Title I, all required documents and records are maintained on file and the grant is appropriately monitored. All fiscal requirements are met including maintenance of effort and “supplement, not supplant” provisions. The district uses federal funds in accordance with the fund-use rules.

Manchester Essex Regional School District

**SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT
RECEIVING A COMMENDABLE RATING
FROM THE DEPARTMENT OF EDUCATION**

Special Education	Civil Rights and Other General Education Requirements	Safe and Drug Free Schools	Career and Vocational Technical Education	Title I	English Learner Education
				TI 22	

**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 4, SE 6, SE 7, SE 12, SE 13, SE 18A, SE18B, SE 37, SE 55	SE 56	
Civil Rights and Other General Education Requirements	MOA 10A, MOA 11A, MOA 17A, MOA 23	MOA 2, MOA 25	
Title I	TI 12, TI 19, TI 21(.6), TI 32A, TI 32B		
English Learner Education	ELE 1, ELE 6, ELE 13, ELE 14, ELE 18	ELE 4, ELE 5, ELE 7, ELE 8, ELE 10, ELE 11, ELE 15	

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="402 411 1365 478"><u>Assessments are appropriately selected and interpreted for students referred for evaluation</u></p> <ol style="list-style-type: none"> <li data-bbox="402 478 1403 1276">1. Tests and other evaluation materials are: <ol style="list-style-type: none"> <li data-bbox="597 512 802 541">a. validated <li data-bbox="597 543 1292 573">b. administered and interpreted by trained individuals <li data-bbox="597 575 1344 642">c. tailored to assess specific areas of educational need and related developmental needs <li data-bbox="597 644 1308 711">d. selected and administered to reflect aptitude and achievement levels and related developmental needs <li data-bbox="597 714 1289 743">e. as free as possible from cultural and linguistic bias <li data-bbox="597 745 1370 875">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="597 877 1300 945">g. not the sole criterion for determining an appropriate educational program <li data-bbox="597 947 1289 1014">h. not only those designed to provide a single general intelligence quotient <li data-bbox="597 1016 1403 1180">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 1182 1403 1276">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="402 1278 1403 1619">2. In interpreting evaluation data and making decisions, the district: <ol style="list-style-type: none"> <li data-bbox="597 1312 1403 1413">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 1415 1341 1482">b. ensures that information obtained from these sources is considered <li data-bbox="597 1484 1289 1551">c. ensures that the placement decision conforms with placement in the least restrictive environment <li data-bbox="597 1554 1365 1619">d. includes information related to enabling the student to be involved in and progress in the general curriculum 	
	State Requirements	Federal Requirements
28.04		IDEA-97: 34 CFR 300.532, 300.535
28.05		34 CFR 104.35(b) IDEA 2004: Section 614(b)(3)(A)(ii);

CRITERION NUMBER	SPECIAL EDUCATION I. ASSESSMENT OF STUDENTS
	Legal Standard
	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> <ul 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> <ul style="list-style-type: none"> a. A comprehensive health assessment by a physician that identifies medical problems or constraints that may affect the student's education. The school nurse may add additional relevant health information from the student’s school health records. b. A psychological assessment by a certified school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination. c. A home assessment that may be conducted by a nurse, psychologist, social worker, guidance or adjustment

CRITERION NUMBER	
	Legal Standard
	<p style="text-align: center;">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 style="margin-left: 40px;">a. that no further assessments are needed and the reasons for this; and</p> <p style="margin-left: 40px;">b. the right of such parents to request an assessment.</p> <p>State Requirements 603 CMR 28.04 (1) and (2)</p> <p style="text-align: right;">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:

Review of the records and interviews indicate that while educational histories and teacher assessments are completed for initial evaluations, they are not done for three-year re-evaluations, as required by the Department.

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

CRITERION NUMBER		
	Legal Standard	
SE 4	<p>Reports of assessment results</p> <ol style="list-style-type: none"> 1. Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impression, and shall define in detail and in educationally relevant and common terms, the student’s needs, offering explicit means of meeting them. Assessors may recommend appropriate types of placements, but shall not recommend specific classrooms or schools. 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>State Requirements 603 CMR 28.04(2)(c)</p> <p>Federal Requirements (IDEA-97) 34 CFR 300.532</p>	
	Rating: Partially Implemented	District Response Required: Yes

Department of Education Findings:

Record reviews indicate that assessments do not always provide a summary of the student's needs with explicit recommendations for meeting them.

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;</p> <p>Federal Requirements (IDEA-97) 34 CFR 300.138; 300.139</p>	

CRITERION NUMBER	
	Legal Standard
	603 CMR 30.05(2),(3),(5)
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	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> 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 <p>State Requirements Federal Requirements M.G.L.c.71B, Sections 12A-C IDEA-97: 34 CFR 300.344(b),</p>

CRITERION NUMBER	
	Legal Standard
	300.347 IDEA 2004: Section 614(d)(1)(A)(i)(VIII)
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Record reviews and interviews indicate that there is discussion of transition but the discussion is not consistently documented, either in terms of the goals, or whether documentation is necessary because no goals are needed.

CRITERION NUMBER	
	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

CRITERION NUMBER			
	Legal Standard		
	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.		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Requirements 603 CMR 28.07(5)</td> <td style="width: 50%;">Federal Requirements (IDEA-97) 34 CFR 300.347(c), 300.517</td> </tr> </table>	State Requirements 603 CMR 28.07(5)	Federal Requirements (IDEA-97) 34 CFR 300.347(c), 300.517
State Requirements 603 CMR 28.07(5)	Federal Requirements (IDEA-97) 34 CFR 300.347(c), 300.517		
	Rating: Partially Implemented District Response Required: Yes		

Department of Education Findings:

Interviews and document reviews indicate that there is no procedure in place to obtain consent from the student, on reaching the age of 18, to continue the student's special education program.

CRITERION NUMBER	
	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.

CRITERION NUMBER	
	Legal Standard
	<p>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.</p> <p>12. When one purpose of the Team meeting is to discuss placement, a person knowledgeable about placement options is present at the meeting.</p> <p>13. Members of the Team attend Team meetings unless:</p> <ul 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>OR</p> <ul 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>State Requirements 603 CMR 28.02(21)</p> <p>Federal Requirements IDEA-97: 34 CFR 300.344; 300.552; 34 CFR Part 300, Appendix A, Question #22; IDEA 2004: Section 614(d)(1)(C); 614(f)</p>
	<p>Rating: Implemented District Response Required: No</p>

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>
	<p>Rating: Implemented District Response Required: No</p>

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, the student is referred for consideration by the district for eligibility under that regular education program. 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. 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>State Requirements 603 CMR 28.05(1) and (2)</p> <p>Federal Requirements (IDEA-97) 34 CFR 300.7; 300.534</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
SE 10	<p>End of school year evaluations</p> <p>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</p>

CRITERION NUMBER			
	Legal Standard		
	the school year.		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Requirements 603 CMR 28.05(1)</td> <td style="width: 50%;">Federal Requirements (IDEA-97) 34 CFR 300.342</td> </tr> </table>	State Requirements 603 CMR 28.05(1)	Federal Requirements (IDEA-97) 34 CFR 300.342
State Requirements 603 CMR 28.05(1)	Federal Requirements (IDEA-97) 34 CFR 300.342		
	Rating: Implemented District Response Required: No		

CRITERION NUMBER	
	Legal Standard
SE 11	<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

CRITERION NUMBER					
	Legal Standard				
	<p>is sent to the parents and to the school district. The independent evaluator's report summarizes, in writing, procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator recommends appropriate types of placements but does not recommend specific classrooms or schools.</p> <p>6. Within ten (10) school days from the time the school district receives the report of the independent educational evaluation, the Team reconvenes and considers the independent educational evaluation (which may be publicly or privately funded) and whether a new or amended IEP is appropriate.</p>				
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">State Requirements</td> <td style="width: 50%; border: none;">Federal Requirements (IDEA-97)</td> </tr> <tr> <td style="border: none;">603 CMR 28.04(5)</td> <td style="border: none;">34 CFR 300.502(a)(3)(i)</td> </tr> </table>	State Requirements	Federal Requirements (IDEA-97)	603 CMR 28.04(5)	34 CFR 300.502(a)(3)(i)
State Requirements	Federal Requirements (IDEA-97)				
603 CMR 28.04(5)	34 CFR 300.502(a)(3)(i)				
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Rating: Implemented	District Response Required: No				

CRITERION NUMBER					
	Legal Standard				
SE 12	<p>Frequency of re-evaluation</p> <ol style="list-style-type: none"> 1. When the student's needs warrant it or a parent or teacher requests it, the school district, with parental consent, conducts a full re-evaluation consistent with the requirements of federal law, provided that: <ol style="list-style-type: none"> a. a re-evaluation is conducted every three years unless the parent and district agree that it is unnecessary and b. a re-evaluation is conducted no more frequently than once a year unless the parent and district agree otherwise. 2. The district implements re-evaluation procedures in all cases where it is suspected that a student is no longer eligible for special education, except that no re-evaluation is required before the termination of eligibility because a student has graduated with a regular high school diploma or exceeded the age of eligibility. 				
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">State Requirements</td> <td style="width: 50%; border: none;">Federal Requirements</td> </tr> <tr> <td style="border: none;">603 CMR 28.04(3)</td> <td style="border: none;">IDEA-97: 34 CFR 300.536; IDEA 2004: Section 614(a)(2); 614(c)(5)</td> </tr> </table>	State Requirements	Federal Requirements	603 CMR 28.04(3)	IDEA-97: 34 CFR 300.536; IDEA 2004: Section 614(a)(2); 614(c)(5)
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603 CMR 28.04(3)	IDEA-97: 34 CFR 300.536; IDEA 2004: Section 614(a)(2); 614(c)(5)				
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Rating: Partially Implemented	District Response Required: Yes				

Department of Education Findings:

Interviews and record reviews reveal that the district does not always implement re-evaluation procedures in all cases where it is suspected that a student is no longer eligible for special education.

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">SE 13</p>	<p>Progress Reports and content</p> <ol style="list-style-type: none"> 1. Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students. 2. Progress report information sent to parents includes written information on the student's progress toward the annual goals in the IEP, including information on the extent to which such progress is sufficient to enable the child to achieve the goals by the end of the year. 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>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>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Education Findings:

While progress reports sent to parents include written information on the student's progress toward the annual goals in the IEP, including information on the extent to which such progress is sufficient to enable the child to achieve the goals by the end of the year, record reviews reveal that not all goals are consistently reported on in every progress report period.

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">SE 14</p>	<p>Review and revision of IEPs</p> <ol style="list-style-type: none"> 1. 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. 2. <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.

CRITERION NUMBER			
	Legal Standard		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">State Requirements 603 CMR 28.04(3)</td> <td style="width: 50%; border: none;">Federal Requirements IDEA-97: 34 CFR 300.343(c) IDEA 2004: Section 614(d)(3)(D) and (F)</td> </tr> </table>	State Requirements 603 CMR 28.04(3)	Federal Requirements IDEA-97: 34 CFR 300.343(c) IDEA 2004: Section 614(d)(3)(D) and (F)
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Rating: Implemented	District Response Required: No		

CRITERION NUMBER	SPECIAL EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT		
	Legal Standard		
SE 15	<p>Outreach by the School District (Child Find) The district has annual or more frequent outreach and continuous liaison with those groups below from which promotion or transfer of students in need of special education may be expected, or which would include students in need of special education:</p> <ol style="list-style-type: none"> 1. professionals in community 2. private nursery schools 3. day care facilities 4. group homes 5. parent organizations 6. clinical /health care agencies 7. early intervention programs 8. other public/private/parochial schools 9. other agencies/organizations 10. the school itself, including charter schools 11. agencies serving migrant and/or homeless persons pursuant to the McKinney-Vento Education Act for Homeless Children <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">State Requirements</td> <td style="width: 50%; border: none;">Federal Requirements (IDEA-97) 34 CFR 300.125; 300.312</td> </tr> </table>	State Requirements	Federal Requirements (IDEA-97) 34 CFR 300.125; 300.312
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Rating: Implemented	District Response Required: No		

CRITERION NUMBER	
	Legal Standard
SE 16	<p>Screening</p> <ol style="list-style-type: none"> 1. The school district conducts screening for three and four year olds and for all 2. children who are of age to enter kindergarten. Such screening is designed to review a child's development and to assist in identification of those children

CRITERION NUMBER	
	Legal Standard
	<p>who should be referred for an evaluation to determine eligibility for special education services.</p> <p>3. Participation in the screening program for three and four year olds is optional on the part of the parents.</p> <p>4. Provision is made for ongoing and periodic screening of all students as required by the Department of Public Health (vision, hearing, and posture).</p> <p>State Requirements 603 CMR 28.03(1)(d) M.G.L. Chapter 71, Section 57</p> <p style="text-align: right;">Federal Requirements</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 17	<p>Initiation of services at age three and Early Intervention transition procedures</p> <p>1. The school district encourages referrals from the Department of Public Health, other agencies, and individuals for young children when or before the child turns two-and-one-half years old in order to ensure continuity of services and to ensure the development and implementation of an IEP for eligible children by the date of the child's third birthday in accordance with federal requirements.</p> <p>2. The district implements procedures to ensure the effective transition of young children with disabilities from Early Intervention Programs through participation in transition planning conferences arranged by such programs.</p> <p>State Requirements 603 CMR 28.06(7)(b)</p> <p style="text-align: right;">Federal Requirements (IDEA-97) 34 CFR 300.24(b)(3); 300.121(c); 300.132; 300.342(c)</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER									
	Legal Standard								
SE 18A	<p>IEP development and content</p> <ol style="list-style-type: none"> 1. a. Upon determining that the student is eligible for special education, the Team, including the parent(s), develops an IEP at the Team meeting using the evaluation data to guide development of measurable, annual goals for the student. IEPs for students with significant cognitive disabilities contain a description of objectives or benchmarks; IEPs for all students contain a description of how progress toward meeting the annual goals will be measured and when progress reports will be provided. (<i>Note: For 2005-2006 Teams are required to continue to use objectives or benchmarks for all students to meet the requirement of a description of how progress will be measured.</i>) b. If the district chooses to draft any element(s) of the IEP for discussion, the Team Chairperson ensures that the Team fully discusses the ideas embodied in that draft, as well as any other ideas, before adopting the draft or any part of it at the Team meeting. All ideas about the academic, developmental, and functional needs of the child as expressed by all Team members, especially the parents, are genuinely considered by the district prior to proposing the IEP. 2. The IEP includes specially designed instruction to meet the needs of the individual student and related services that are necessary to allow the student to benefit from the specially designed instruction, or consists solely of related services that are necessary to allow the student to access the general 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%; margin-top: 10px;"> <tr> <td style="width: 50%;">State Requirements</td> <td style="width: 50%;">Federal Requirements</td> </tr> <tr> <td>603 CMR 28.05(3), (4), (6) and (7);</td> <td>IDEA-97: 34 CFR 300.340-</td> </tr> <tr> <td>28.06(2)</td> <td>300.350;</td> </tr> <tr> <td></td> <td>300.343(a)</td> </tr> </table>	State Requirements	Federal Requirements	603 CMR 28.05(3), (4), (6) and (7);	IDEA-97: 34 CFR 300.340-	28.06(2)	300.350;		300.343(a)
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603 CMR 28.05(3), (4), (6) and (7);	IDEA-97: 34 CFR 300.340-								
28.06(2)	300.350;								
	300.343(a)								

CRITERION NUMBER	
	Legal Standard
	34 CFR Part 300, Appendix A, Question #22. IDEA 2004: Section 614(d)(1)(A)(i); 614(d)(3)(A)
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Record reviews indicate that goals are not always annual and measurable, and in some cases, goals are carried over unchanged from one IEP period to the next.

CRITERION NUMBER	
	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. 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. 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. 4. The placement selected by the Team is the least restrictive environment consistent with the needs of the student. 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>State Requirements 603 CMR 28.05(6) and (7)</p> <p style="text-align: right;">Federal Requirements (IDEA-97) 34 CFR 300.346</p>
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Interviews and record reviews reveal that in most cases parents are not provided with either two (2) copies of the proposed IEP and proposed placement, or a summary of the proposed goals and placement, as required by the Department.

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> <ol style="list-style-type: none"> 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. 2. The extended evaluation period is not used to allow additional time to complete the required assessments. 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. 4. The extended evaluation may extend longer than one week, but does not exceed eight school weeks. 5. The extended evaluation is not considered a placement. <p>State Requirements 603 CMR 28.05(2)(b)</p> <p style="text-align: right;">Federal Requirements</p>
	<p>Rating: Implemented District Response Required: No</p>

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.

CRITERION NUMBER					
	Legal Standard				
	<p>3. The district does not remove an eligible child from the general education classroom solely because of needed modification in the curriculum.</p> <p>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.</p>				
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Requirements</td> <td style="width: 50%;">Federal Requirements (IDEA-97)</td> </tr> <tr> <td>M.G.L. Chapter 71B, section 3 603 CMR 28.06(2)(a);</td> <td>34 CFR 300.130; 300.550-300.556</td> </tr> </table>	State Requirements	Federal Requirements (IDEA-97)	M.G.L. Chapter 71B, section 3 603 CMR 28.06(2)(a);	34 CFR 300.130; 300.550-300.556
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Rating: Implemented	District Response Required: No				

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 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. 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.

CRITERION NUMBER			
	Legal Standard		
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State Requirements M.G.L. Chapter 69, Section 1G 603 CMR 28.05(4)	Federal Requirements (IDEA-97) 34 CFR 300.309(b)		
	Rating: Implemented District Response Required: No		

CRITERION NUMBER			
	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. 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. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">State Requirements 603 CMR 28.05(7)(b); 28.06(2)(d)(2)</td> <td style="width: 50%; border: none;">Federal Requirements (IDEA-97) 34 CFR 300.342</td> </tr> </table>	State Requirements 603 CMR 28.05(7)(b); 28.06(2)(d)(2)	Federal Requirements (IDEA-97) 34 CFR 300.342
State Requirements 603 CMR 28.05(7)(b); 28.06(2)(d)(2)	Federal Requirements (IDEA-97) 34 CFR 300.342		
	Rating: Implemented District Response Required: No		

CRITERION NUMBER	
	Legal Standard
SE 23	<p>Confidentiality of personally identifiable information</p> <p>The district protects the confidentiality of any personally identifiable information that is collected, used or maintained in accordance with federal and state law.</p>

CRITERION NUMBER			
	Legal Standard		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> State Requirements M.G.L. c. 71, s. 34H; 603 CMR 23.00 (Student Records Regulations) </td> <td style="width: 50%; vertical-align: top;"> Federal Requirements IDEA-97: 34 CFR 300.560-576; Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g </td> </tr> </table>	State Requirements M.G.L. c. 71, s. 34H; 603 CMR 23.00 (Student Records Regulations)	Federal Requirements IDEA-97: 34 CFR 300.560-576; Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g
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	Rating: Implemented District Response Required: No		

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> <ol style="list-style-type: none"> 1. A student may be referred for an evaluation by a parent or any person in a caregiving or professional position concerned with the student's development. 2. When a student is referred for an evaluation to determine eligibility for special education, the school district sends written notice to the child's parent(s) within 5 school days of receipt of the referral. The written notice includes the district's notice of procedural safeguards. 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. <table style="width: 100%; border: none; margin-top: 10px;"> <tr> <td style="width: 50%; vertical-align: top;"> State Requirements 603 CMR 28.04(1) </td> <td style="width: 50%; vertical-align: top;"> Federal Requirements IDEA-97: 34 CFR 300.503(a) IDEA 2004: Section 615(d)(1)(A) </td> </tr> </table>	State Requirements 603 CMR 28.04(1)	Federal Requirements IDEA-97: 34 CFR 300.503(a) IDEA 2004: Section 615(d)(1)(A)
State Requirements 603 CMR 28.04(1)	Federal Requirements IDEA-97: 34 CFR 300.503(a) IDEA 2004: Section 615(d)(1)(A)		
	Rating: Implemented District Response Required: No		

CRITERION NUMBER	
	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 style="text-align: right;">Federal Requirements</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	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 Federal Requirements IDEA 2004: Section 615(f)(1)(B)</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	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

CRITERION NUMBER	
	Legal Standard
	<p>group that makes decisions on the educational placement of their child.</p> <ol style="list-style-type: none"> 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 style="text-align: right;">Federal Requirements (IDEA-97) 34 CFR 300.345(d), 300.501</p>
	Rating: Implemented District Response Required: No

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 style="text-align: right;">Federal Requirements (IDEA-97) 34 CFR 300.503-504</p>
	Rating: Implemented District Response Required: No

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

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 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. <p>State Requirements 603 CMR 28.07(8)</p> <p>Federal Requirements (IDEA-97) 34 CFR 300.345(e)</p>
	Rating: Implemented District Response Required: No

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.

CRITERION NUMBER	
	Legal Standard
	<p>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.</p> <p>State Requirements M.G.L. c. 71B, section 3</p> <p>Federal Requirements IDEA-97: 34 CFR 300.503-504 IDEA 2004: Section 615(d)(1)(A)</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 31	<p>State and district responsibility for educational surrogate parents</p> <ol style="list-style-type: none"> 1. <ol style="list-style-type: none"> 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, 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. 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.

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

CRITERION NUMBER			
	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 without charge, upon reasonable notice, and subject to the availability of staff and resources. 6. The school district conducts, in cooperation with the parent advisory council, at least one workshop annually within the district on the rights of students and their parents and guardians under the state and federal special education laws. <table border="0" style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 50%; vertical-align: top;"> State Requirements M.G.L. c. 71B, section 3; 603 CMR 28.03(1)(a)(4); 28.07(4) </td> <td style="width: 50%; vertical-align: top;"> Federal Requirements </td> </tr> </table>	State Requirements M.G.L. c. 71B, section 3; 603 CMR 28.03(1)(a)(4); 28.07(4)	Federal Requirements
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Rating: Implemented	District Response Required: No		

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>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
SE 34	<p>Continuum of alternative services and placements</p> <p>The district provides or arranges for the provision of each of the elements of the IEPs of students in need of special education from the ages of three through twenty-one, ensuring that a continuum of services and alternative placements is available to meet the needs of all students with disabilities, and takes all steps necessary to ensure compliance with all elements of the IEPs, including vocational education.</p> <p>State Requirements</p> <p style="text-align: right;">Federal Requirements (IDEA-97) 34 CFR 300.551; 300.305; 300.123</p>
	<p>Rating: Implemented District Response Required: No</p>

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>
	<p>Rating: Implemented District Response Required: No</p>

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 2005-2006 every IEP should contain objectives or benchmarks—see SE 18A part 1a above.)</i> 4. The district provides all programs and services without expense to the child's parents. 5. Each time the school district proposes to access the parent's private insurance 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>State Requirements Federal Requirements (IDEA-97) 34 CFR 300.13(a); 300.142; 300.300; 300.302; 300.350; 603 CMR 28.06(3)</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
SE 37	<p>Procedures for approved and unapproved out-of-district placements</p> <ol style="list-style-type: none"> 1. <u>Individual student program oversight</u>: The school district monitors the provision of services to and the programs of individual students placed in public and private out-of-district programs. Documentation of monitoring plans and all actual monitoring are placed in the files of every eligible student who has been placed out-of-district. To the extent that this monitoring requires site visits, such site visits are documented and placed in the students' files for review. The duty to monitor out-of-district placements is not delegated to parents or their agents, to the Department of Education, or to the out-of-district placement. 2. <u>Student right to full procedural protections</u>: The school district retains full responsibility for ensuring that the student is receiving all special education and related services in the student's IEP, as well as all procedural protections of law and regulation. Any Team meetings conducted during the time that a student is enrolled in the out-of-district program are initiated by the school district in coordination with the out-of-district placement. 3. <u>Preference to approved programs</u>: The school district, in all circumstances, first seeks to place a student in a program approved by the Department pursuant to the requirements of 603 CMR 28.09. Preference is also given to approved programs located within the Commonwealth of Massachusetts if the choice of such program is consistent with the needs of the student and the choice of such program complies with LRE requirements. When an approved program is available to provide the services on the IEP, the district makes such placement in the approved program in preference to any program not approved by the Department. 4. <u>Written contracts</u>: 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). 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. 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: <ol 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

CRITERION NUMBER	
	Legal Standard
	<p>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.</p> <p>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 retained in the student record.</p> <p>d. <u>Pricing</u>: Pursuant to the requirements for Compliance, Reporting and Auditing for Human and Social Services at 808 CMR 1.00, the Administrator obtains pricing forms required to set program prices for programs receiving publicly funded students. Such pricing forms are completed by the proposed placement and document that the price proposed for the student’s tuition is the lowest price charged for similar services to any student in that program.</p> <p>e. <u>Notification of the Department of Education</u>: Prior to placement, if the Team determines that placement in such facility is appropriate, the Administrator notifies the Department of the intent to place the student and the name and location of the proposed placement. In addition, the Administrator forwards the notice of proposed placement and completed pricing forms to the Department along with the information on the proposed terms of the contract that will govern such placement and documentation of a monitoring plan pursuant to 603 CMR 28.06(3)(b). The district maintains any documentation of the Department’s objections to such placement and the steps the district has taken in regard to such objection. The district maintains documentation of the approved price for publicly funded students as set by the state agency responsible for setting program prices.</p> <p>f. <u>Out of state programs</u>: If out-of-district programs are provided in a placement outside of Massachusetts, and such school has not received approval by the Department under 603 CMR 28.09, the Administrator of Special Education ensures that such school has received approval from the host state.</p>

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

Department of Education Findings:

*Record review and interviews indicate that documentation of monitoring plans, and subsequent documentation of monitoring having occurred, are **not** placed in the files of every eligible student who has been placed out-of-district.*

CRITERION NUMBER			
	Legal Standard		
SE 38	<p>Educational services in institutional settings (ESIS) <u>Department of Education responsibility:</u> In cases where the Department provides certain special education services to eligible students in certain facilities operated by or under contract with the Department of Mental Health, the Department of Youth Services, County Houses of Corrections, or the Department of Public Health, the Department retains the discretion to determine, based upon resources, the type and amount of special education and related services that it provides in such facilities. <u>School district responsibility:</u></p> <ol style="list-style-type: none"> 1. The district implements its responsibilities to students in institutional settings by acting on requests for evaluation, issuing proposed IEPs in a timely manner, and providing special education and/or related services in accordance with state and federal law. 2. Where a student's IEP requires a type or amount of service that the facility does not provide, it remains the responsibility of the parent's school district to implement the student's IEP by arranging and paying for the provision of such service(s). 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. <table border="0" style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 50%;">State Requirements 603 CMR 28.06(9)</td> <td style="width: 50%;">Federal Requirements</td> </tr> </table>	State Requirements 603 CMR 28.06(9)	Federal Requirements
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Rating: Implemented	District Response Required: No		

CRITERION NUMBER					
	Legal Standard				
SE 39	<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 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. 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. 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. 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. 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. 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 style="text-align: center;"> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Requirements</td> <td style="width: 50%;">Federal Requirements (IDEA-97)</td> </tr> <tr> <td>M.G.L. c. 71B, section 2</td> <td>34 CFR 300.450-300.462</td> </tr> </table> </p>	State Requirements	Federal Requirements (IDEA-97)	M.G.L. c. 71B, section 2	34 CFR 300.450-300.462
State Requirements	Federal Requirements (IDEA-97)				
M.G.L. c. 71B, section 2	34 CFR 300.450-300.462				

CRITERION NUMBER	
	Legal Standard
	603 CMR 28.03(1)(e);
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 40	<p>Instructional grouping requirements for students aged five and older</p> <ol style="list-style-type: none"> 1. The size and composition of instructional groupings for eligible students receiving services outside the general education classroom are compatible with the methods and goals stated in each student's IEP. 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. 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. 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. 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. 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. 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.

CRITERION NUMBER			
	Legal Standard		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Requirements 603 CMR 28.06(6)</td> <td style="width: 50%;">Federal Requirements</td> </tr> </table>	State Requirements 603 CMR 28.06(6)	Federal Requirements
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Rating: Implemented	District Response Required: No		

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> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Requirements 603 CMR 28.06(6)(f)</td> <td style="width: 50%;">Federal Requirements</td> </tr> </table>	State Requirements 603 CMR 28.06(6)(f)	Federal Requirements
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Rating: Implemented	District Response Required: No		

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.

CRITERION NUMBER	
	Legal Standard
	<p>10 cumulative days; responsibilities of the Team; responsibilities of the district</p> <ol style="list-style-type: none"> 1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement. 2. Prior to a suspension that constitutes a change in placement of a student with disabilities, 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. <p><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.</p> 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

CRITERION NUMBER	
	Legal Standard
	<p>district notifies the parents of that decision and provides them with the written 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>
	Rating: Implemented District Response Required: No

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</p>

CRITERION NUMBER	
	Legal Standard
	20 U.S.C. Chapter 33, Section 1415(k); 34 CFR 300.527 IDEA 2004: Section 615(k)(5)(B)(iii); 615(k)(5)(C)
	Rating: Implemented District Response Required: No

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="width: 50%;"><u>State Requirements</u></td> <td style="width: 50%;"><u>Federal Requirements (IDEA-97)</u></td> </tr> <tr> <td>603 CMR 28.06(5)</td> <td>34 CFR 300.121; 300.300-313</td> </tr> </table>	<u>State Requirements</u>	<u>Federal Requirements (IDEA-97)</u>	603 CMR 28.06(5)	34 CFR 300.121; 300.300-313
<u>State Requirements</u>	<u>Federal Requirements (IDEA-97)</u>				
603 CMR 28.06(5)	34 CFR 300.121; 300.300-313				
	Rating: Implemented District Response Required: No				

CRITERION NUMBER	
	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: Implemented District Response Required: No</p>

CRITERION NUMBER	
	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 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. 2. The district arranges to have eligible students who use wheelchairs transported in

CRITERION NUMBER			
	Legal Standard		
	<p>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.</p> <p>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.</p> <p>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.</p> <p>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>		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">State Requirements 603 CMR 28.05(5)(b)</td> <td style="width: 50%; border: none;">Federal Requirements (IDEA-97) 34 CFR 300.24(b)(15)</td> </tr> </table>	State Requirements 603 CMR 28.05(5)(b)	Federal Requirements (IDEA-97) 34 CFR 300.24(b)(15)
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Rating: Implemented	District Response Required: No		

CRITERION NUMBER	SPECIAL EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION				
	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>				
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">State Requirements 603 CMR 28.03(2)</td> <td style="width: 50%; border: none;">Federal Requirements</td> </tr> </table>			State Requirements 603 CMR 28.03(2)	Federal Requirements
State Requirements 603 CMR 28.03(2)	Federal Requirements				
	Rating: Implemented	District Response Required:	No		

CRITERION NUMBER			
	Legal Standard		
SE 51	<p>Appropriate special education teacher certification/licensure Individuals who design and/or provide direct special education services described in IEPs, or who supervise the provision of special education services by other teachers or paraprofessionals, are appropriately certified.</p> <p>State Requirements 603 CMR 7.00; 28.02(3)</p> <p>Federal Requirements 34 CFR 300.23; 300.136</p>		
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Rating: Implemented	District Response Required: No		

CRITERION NUMBER			
	Legal Standard		
SE 52	<p>Appropriate certifications/licenses or other credentials -- <u>related service providers</u> Any person, including non-educational personnel, who provides related services described under federal special education law, who supervises paraprofessionals in the provision of related services, or who provides support services directly to the regular or special classroom teacher is appropriately certified, licensed, board-registered or otherwise approved to provide such services by the relevant professional standards board or agency for the profession.</p> <p>State Requirements 603 CMR 28.02(3)</p> <p>Federal Requirements (IDEA-97) 34 CFR 300.23; 300.24; 300.136</p>		
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Rating: Implemented	District Response Required: No		

CRITERION NUMBER	
	Legal Standard
SE 53	<p>Use of paraprofessionals</p> <ol style="list-style-type: none"> 1. Paraprofessionals and assistants (e.g., teacher aides, tutors and student teachers) are appropriately trained to assist in providing special education or related services. 2. Persons employed as paraprofessionals and assistants do not design

CRITERION NUMBER	SPECIAL EDUCATION VII. SCHOOL FACILITIES		
	Legal Standard		
SE 55	<p>Special education facilities and classrooms The school district provides facilities and classrooms for eligible students that</p> <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. 		
	<p>State Requirements 603 CMR 28.03(1)(b) 1973</p>	<p>Federal Requirements Section 504 of the Rehabilitation Act of</p>	
	Rating: Partially Implemented	District Response Required:	Yes

Department of Education Findings:

Observations indicate that special education settings in the middle school are not comparable to the venues provided to students in the regular education setting.

CRITERION NUMBER	SPECIAL EDUCATION VIII. PROGRAM PLAN AND EVALUATION		
	Legal Standard		
SE 56	<p>Special education programs and services are evaluated</p> <ol style="list-style-type: none"> 1. Special education programs, services and administrative areas are regularly evaluated. 2. The district develops methods for determining the effectiveness of programs in assisting students with disabilities to achieve the goals set forth in their IEPs in the least restrictive environment. 3. The district uses information it gathers from annual IEP reviews to measure the effectiveness of special education programs, and identifies programs, services and administrative areas that need improvement or must be developed. 4. As part of these evaluation procedures, the district measures the success of programs based on students' local and statewide assessment results, drop out rates and graduation rates for special education students. 		
	<p>State Requirements M.G.L. c. 71, section 59C; c. 71B, section 2</p>	<p>Federal Requirements (IDEA-97) 34 CFR 300.137</p>	

CRITERION NUMBER	SPECIAL EDUCATION VIII. PROGRAM PLAN AND EVALUATION	
	Legal Standard	
	Rating: Not Implemented	District Response Required: Yes

Department of Education Findings:

Record reviews and interviews reveal that the district does not have a process in place for evaluating its special education programs on a regular basis.

CRITERION NUMBER	SPECIAL EDUCATION IX. RECORD KEEPING	
	Legal Standard	
SE 57	<p>Special education child count</p> <ol style="list-style-type: none"> 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. 2. The child count also includes students with disabilities determined eligible for special education who are attending private schools at private expense and are receiving publicly funded services according to IEPs developed by the district. 3. The district does not include as part of its special education child count (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>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>
	Rating: Implemented	District Response Required: No

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 style="text-align: right;">Federal Requirements (IDEA-97) 34 CFR 300.230; 300.340-300.500</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
SE 59	<p>Transfer of student records</p> <p>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</p> <p style="text-align: right;">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

Department of Education Findings:

See ELE 3

CRITERION NUMBER	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: Not Implemented District Response Required: Yes

Department of Education Findings:

Review of documentation and Interviews reveal that the district does not have a program in place to

demonstrably and effectively address the needs of LEP students. See ELE 5. Response required under ELE5 1a.

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

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

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>

CRITERION NUMBER	
	Legal Standard
	NCLB: Title X, Part C, Sec. 722(g)(6)(A)(iii)
	Rating: Implemented District Response Required: No

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

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;</p>

CRITERION NUMBER	
	Legal Standard
	603 CMR 26.03
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	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	
	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

CRITERION NUMBER	
	Legal Standard
	education liaison for assistance in obtaining them. NCLB: Title X, Part C, Sec. 722(g)(3)(C)
	Rating: Implemented District Response Required: No

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

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

CRITERION NUMBER	
	Legal Standard
	<p>student, pending resolution of the dispute;</p> <ol style="list-style-type: none"> 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>
	Rating: Implemented District Response Required: No

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: Implemented District Response Required: No

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS III. PARENTAL INVOLVEMENT
	Legal Standard
MOA 6A	Information and opportunities for participation for parents and guardians of

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS III. PARENTAL INVOLVEMENT	
	Legal Standard	
	<p>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		
	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: Implemented	District Response Required: No

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

CRITERION NUMBER	
	Legal Standard
MOA 6D	<p>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.</p> <p>NCLB: Title X, Part C, Sec. 722(g)(6)(C)</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
MOA 7	<p>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).</p> <p>Title VI; EEOA: 20 U.S.C. 1703(f); M.G.L. c. 76, s. 5; 603 CMR 26.02(2)</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IV. CURRICULUM AND INSTRUCTION
	Legal Standard
MOA 7A	<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.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IV. CURRICULUM AND INSTRUCTION	
	Legal Standard	
	<p>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.</p> <p>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> <p>M.G.L. c. 69, s. 1G; 603 CMR 27.03, 27.04</p>	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
MOA 7B	<p>Structured learning time</p> <p>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.</p> <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</p>	

CRITERION NUMBER	
	Legal Standard
	<p>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

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: Implemented District Response Required: No

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:</p>

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

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: Implemented District Response Required: No

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS V. STUDENT SUPPORT SERVICES
	Legal Standard
MOA 10A	<p>Student handbooks and codes of conduct</p> <ol style="list-style-type: none"> 1. 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.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS V. STUDENT SUPPORT SERVICES
	Legal Standard
	<p>2. Student codes of conduct contain:</p> <ul 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. <p>3. Student handbooks and codes of conduct reference M.G.L. c. 76, s. 5 and contain:</p> <ul 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: Partially Implemented District Response Required: Yes</p>

Department of Education Findings:

Interviews and document reviews reveal: that the district's teacher code of conduct is under review and not available to teachers and administrators at this time; the student code of conduct contains outdated references (e.g., Ch. 622); the student code of conduct requires a 15 day automatic suspension or expulsion for wielding a weapon, as per school committee policy, which is inconsistent with state and federal laws surrounding suspensions; all student codes of conduct do not contain references to both discrimination and harassment.

CRITERION NUMBER	
	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> <p>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)</p>

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

Department of Education Findings:

Review of the documents and interviews indicate: that the contact information for the district-wide liaison/coordinators for grievance procedures in the student handbook differs from school to school; student grievance procedures need to be updated to remove references to the Office of Equal Educational Opportunity; while the student codes of conduct at the middle and high school contain references to Section 504 discrimination and harassment and the student codes of conduct for the elementary schools do not.

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: Partially Implemented District Response Required: Yes

Department of Education Findings:

The district is not consistently identifying the coordinators in handbooks and documents.

CRITERION NUMBER	
	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	
	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,</p>

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

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

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	
	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	
	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: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
MOA 17A	<p>Use of physical restraint on any student enrolled in a publicly-funded education program</p> <ol style="list-style-type: none"> 1. The district has developed and implemented staff training at least annually on the use of restraint consistent with regulatory requirements. 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>
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Interviews and document reviews indicate that training may not take place annually for all employees and/or within the first month of the school year for all new employees.

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

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION
	Legal Standard
	<p>services for teachers, availability of reading instruction at the elementary level, appropriate services for linguistic minority students, and other services consistent with effective educational practices and the requirements of 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>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION
	Legal Standard
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 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.</p> <p>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</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
MOA 19 Reserved	

CRITERION NUMBER	
	Legal Standard
MOA 20	<p>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.</p> <p>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)</p>
	Rating: Implemented District Response Required; No

CRITERION NUMBER				
	Legal Standard			
MOA 21	<p>Staff training regarding civil rights responsibilities The district provides in-service training for all school personnel at least annually regarding civil rights responsibilities, including the prevention of discrimination and harassment on the basis of 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: Implemented</td> <td style="width: 25%;">District Response Required:</td> <td style="width: 25%;">No</td> </tr> </table>	Rating: Implemented	District Response Required:	No
Rating: Implemented	District Response Required:	No		

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

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;

CRITERION NUMBER				
	Legal Standard			
	<p>2. separate toilet, locker room, and shower facilities for students of one gender that 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: 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: *Observations indicate that Special Education settings in the middle school are not comparable to the venues provided to students in the regular education setting. See SE55.*

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 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		

CRITERION NUMBER	
	Legal Standard
MOA 24	<p>Curriculum review 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>

CRITERION NUMBER	
	Legal Standard
	M.G.L. c. 76, s. 5; 603 CMR 26.05(2)
	Rating: Implemented District Response Required: No

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: Not Implemented District Response Required: Yes

Department of Education Findings:

Documentation and interviews indicate that no specific process or procedure now exists to annually evaluate programs K-12.

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</p>

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IX. RECORD KEEPING
	Legal Standard
	school district. NCLB: Title X, Part C, Sec. 722(g)(3)(D)
	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 style="text-align: center;">Authority: G.L. c. 71A, § 7; 603 CMR 14.02; NCLB, Title I and Title III</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Education Findings:

The district does not yet have staff who are qualified to administer the MELA-O and the MEPA.

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 style="text-align: center;">Authority: GL. C. 71A, § 7; G.L. c. 69, § 1I; N.C.L.B., Title I, Title VI</p>
	<p>Rating: Implemented District Response Required: No</p>

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> <p style="text-align: center;">Authority: G.L. c. 71A § 4, 5</p>	
	Rating: Implemented	District Response Required: No

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: Not Implemented	District Response Required: Yes

Department of Education Findings: *Review of documents and interviews reveal that the district needs to change the wording of the information it supplies to parents of English language learners to reflect their right to apply for a waiver to another program.*

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: Not Implemented District Response Required: Yes</p>

Department of Education Findings:

Records and interviews reveal the district does not have personnel who are in place and trained to provide Sheltered English Instruction to LEP students in the classroom or to provide two way bilingual classrooms. The district does not have staff appropriately trained to provide English language development instruction that is based on the English Language Proficiency Outcomes, regardless of the program model.

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: Partially Implemented District Response Required: Yes

Department of Education Findings:

Records indicate that while policy exists, information concerning the amount of time a student receives services is unclear and not in keeping with #2 of the criterion.

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: Not Implemented District Response Required: Yes

Department of Education Findings:

The district did not supply a description of how they would implement this criterion.

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> <p>Authority: Title VI</p>	
	Rating: Not Implemented	District Response Required: Yes

Department of Education Findings:

Records and interviews indicate that the district has confused declining services with policies surrounding seeking a waiver, so has no policies or procedures in place.

CRITERION NUMBER		
	Legal Standard	
ELE 9	<p>Instructional Grouping</p> <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>Authority: G.L. c. 71A, § 4; Title VI</p>	
	Rating: Implemented	District Response Required: No

Department of Education Findings:

Although the district does not have enough ELE students (only one student) to group, interviews indicate that if it did have more students it would follow the required instructional grouping procedures.

CRITERION NUMBER	
	Legal Standard
ELE 10	<p>Parental Notification</p> <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). (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.) 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>Authority: NCLB, Title III; c. 71A, §7; 603 CMR 14.02</p>
	<p>Rating: Not Implemented District Response Required: Yes</p>

Department of Education Findings:

Interviews and record review indicate that the district does not have a program in place or written procedures to address these requirements.

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-

CRITERION NUMBER	ENGLISH LEARNER EDUCATION V. STUDENT SUPPORT SERVICES		
	Legal Standard		
	<p>speaking peers and are provided support in non-core academic courses.</p> <ol style="list-style-type: none"> 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 accommodation plan. <p style="text-align: center;">Authority: Title VI; c. 71A, §7; 603 CMR 26.07 (8)</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Education Findings:

The district has not provided a description of how these requirements will be implemented.

CRITERION NUMBER			
	Legal Standard		
ELE 12	<p>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.</p> <p style="text-align: center;">Authority: Title VI; 603 CMR 26.06 (2)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
ELE 13	<p>Follow-up Support</p> <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. <p style="text-align: center;">Authority: Title VI; G.L. c. 71A; NCLB</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Education Findings:

The districts statement regarding follow up support is unclear and gives the impression that the student's progress would only be monitored during the first year after leaving support.

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. 		

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION		
	Legal Standard		
	Authority: G.L. c. 71, § 38G; G.L. c. 71A, §§ 2, 24, 25; Title VI; 603 CMR 14.05		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Education Findings:

Interviews and records reveal that not all staff that provide instruction to LEP students have received the training required to provide Sheltered English Instruction.

CRITERION NUMBER			
	Legal Standard		
ELE 15	<p>Professional Development Requirements 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>		
	Rating: Not Implemented	District Response Required:	Yes

Department of Education Findings:

Interviews indicate that professional development in this area is in the preplanning stages.

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>		

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VII. SCHOOL FACILITIES
	Legal Standard
	Rating: Implemented District Response Required: No

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VIII. PROGRAM PLAN AND EVALUATION
	Legal Standard
ELE 17	
	Rating: Implemented District Response Required: No

CRITERION NUMBER	ENGLISH LEARNER EDUCATION IX. RECORD KEEPING
	Legal Standard
ELE 18	<p>Records of LEP Students</p> <ol 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: <ol 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 style="text-align: center;">Authority: 603 CMR 23.05, 23.07; c 69, § 1I; Title VI</p>
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Review of the records reveals that they do not consistently contain all of the required elements.

TITLE I

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

CRITERION NUMBER	TITLE 1 IX. RECORD KEEPING AND FUND USE Fiscal Requirements
	I. Maintenance of Effort
	Legal Standard
TI 1	The maintenance of effort fiscal test is of local and state expenditures, <i>not</i> of Title I or other federal expenditures. 1120A(a); 9521 NCLB
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 2	The school district's combined fiscal effort per student (<i>or</i> aggregate expenditures of the school district and state for free public education for the preceding fiscal year) was not less than 90% of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year. 1120A(a); 9521(a) NCLB
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	II. Comparability
	Legal Standard
TI 3	1. Documentation of the district's Comparability Report demonstrates annual compliance with the comparability requirement and is documented at least biennially. 1120A(c)(3)(B) NCLB 2. The district's comparability fiscal test is a comparison of local and state funds in Title I schools and non-Title I schools, <i>not</i> a comparison of federal funds.

CRITERION NUMBER	
	II. Comparability
	Legal Standard
	<p>1120A(c) NCLB</p> <p>3. The school district uses state and local funds in Title I schools that provide services that, taken as a whole, are at least comparable to services in non-Title I schools.</p> <p>1120A(c)(1)(A) NCLB</p> <p>4. If all of the district's schools are Title I schools, the school district uses state and local funds to provide services that, taken as a whole, are substantially comparable in each school.</p> <p>1120A(c)(1)(B) NCLB</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
TI 4	<p>1. The district has established and implemented the following requirements:</p> <ul style="list-style-type: none"> a. a district-wide salary schedule; b. a policy to ensure equivalence among schools in teachers, administrators, and other staff; and c. a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies. <p>1120A(c)(2)(A) NCLB</p> <p>2. If the school district groups schools by grade-span for demonstrating comparability, the school district does so in a way that reflects the actual grade-spans of the school district.</p> <p>1120A(c)(1)(C) NCLB; Title I Policy Guidance IASA</p> <p>3. In applicable situations, the school district divides a grade-span with significant school enrollment differences into a large-group/small-group model.</p> <p>Title I Policy Guidance IASA</p>

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

CRITERION NUMBER	
	Legal Standard
TI 5	<p>1. Other measures, such as student/instructional staff ratios or student/instructional staff salary ratios, are used to demonstrate comparability.</p> <ul style="list-style-type: none"> a. Student/staff ratios: The Title I school average, as determined in Comparability Report forms, does not exceed 110% of average of non-Title I schools. b. Student/staff salary ratios: The Title I school averages are at least 90% of the average of non-Title I schools. c. Staff salary differentials for years of employment are not used in implementing requirements under criterion TI 5 (b) above. <p>1120A(c)(2)(B); 1120A(c)(3)(A) NCLB; Title I Policy Guidance IASA</p> <p>2. Non-instructional staff (e.g., cafeteria workers, custodians, nurses, playground aides, student teachers, volunteers, etc.) are not included in the district's comparability determinations.</p> <p>Title I Policy Guidance IASA</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 6	<p>If the district is receiving and excluding supplemental state and local funds from the Title I comparability determinations, the district is able to demonstrate that the supplemental state and/or local funds that are excluded from Title I comparability determinations are used for programs that meet the intent and purposes of Title I.</p> <p>1120A(d) NCLB</p>
	Rating: N/A District Response Required: No

Department of Education Findings:

The district does not receive or excludes supplementary state and local funds from Title I comparability determination.

CRITERION NUMBER	
	III. Supplement, Not Supplant
	Legal Standard
TI 7 [Applicable to Targeted Assistance Schools (TAS)]	The district is able to demonstrate that it uses Title I funds only to supplement and, to the extent practical, increase the level of funds that would in the absence of Title I funds be made available from non-federal sources for the education of students participating in Title I programs. 1120A(b)(1) NCLB
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 8 [Applicable to TAS]	The district/school is able to demonstrate that the Title I funds have been used for the express purpose of serving those students who were identified as being in greatest need of Title I assistance based on the district’s and school’s Title I student selection criteria. 1115(a) NCLB
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 9 [Applicable to Schoolwide Programs (SWP)]	1. Title I funds may be used in combination with state, local, and other federal funds to serve the entire school population in accordance with the schoolwide plan in effect for the school. 1114(a)(1) NCLB 2. The district is able to demonstrate that the Title I funds in a schoolwide

CRITERION NUMBER	
	Legal Standard
	<p>program school are in addition to the total amount of funds that would, in the absence of the Title I funds, be made available from non-federal sources for the school, including funds needed to provide services required by law for students with disabilities and students with limited English proficiency.</p> <p>1114(a)(2)(B) NCLB</p>
	<p>Rating: N/A District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
TI 10 (Exclusion)	<p><i>If the district is excluding supplemental state and local funds from the Title I supplement (not supplant determinations), the district is able to demonstrate that the excluded funds are used for programs that meet the intent and purposes of Title I.</i></p> <p>1120A 1120A(d)</p>
	<p>Rating: N/A District Response Required: No</p>

Department of Education Findings:

The district is not excluding supplemental state and local funds from Title I supplement, not supplant determinations.

CRITERION NUMBER	
	Legal Standard
TI 11	<p>In implementing federal Title I supplement, not supplant requirements, the district has developed and implemented a Supplement Not Supplant policy and procedures.</p> <p>Note the following Department procedures that were used to determine compliance under this criterion:</p> <ol style="list-style-type: none"> 1. Review the policies and procedures the district has in place to ensure that federal funds supplement and do not supplant the regular school budget and services. Who is responsible for supplement not supplant at the district and at the school building level? Are the policies and procedures adequate?

CRITERION NUMBER	
	Legal Standard
	<p>2. Select a sample of schools. Compare the listing of personnel for last year to this year for differences in personnel, grades, and subjects taught.</p> <p>MA DOE Title I Grant Assurances Document</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	IV. Other Fiscal Requirements
	Legal Standard
TI 12	<p>The district maintains time and effort records for all Title I staff to document the time actually spent by staff on Title I activities.</p> <ol style="list-style-type: none"> 1. Full-time staff – Staff funded solely from the Title I grant sign semi-annual certifications that he/she has been working solely in activities supported by the Title I grant for the period indicated. The certification is signed by the employee or supervisory official having first-hand knowledge of the work performed by the employee. 2. Split time staff – Title I personnel whose time is charged in part to Title I and in part to other revenue sources (district funds or other federal funds) maintain monthly time and effort records. The employee documents the portions of time and effort dedicated to Title I and other revenue sources and must account for the total time for which the employee is compensated. The time and effort record coincides with one or more pay periods and must be signed by the employee and countersigned by an administrator or supervisor. <p>EDGAR: OMB Circular A-87; MADOE Title I Instructions</p>
	<p>Rating: Partial Implemented District Response Required: Yes</p>

Department of Education Findings:

The Title I teacher coordinator is split funded. Although there is a log of her activities, the information needs to be more time specific with regard to all Title I activities.

CRITERION NUMBER	
	Legal Standard
TI 13	The district has selected eligible schools in accordance with Title I requirements under this criterion. 1113(a); 1113(b); 1113(c); NCLB
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 14	The district includes accurate data in its Title I Application (Form 1) for the number of students residing in each of the district's school attendance areas. 1113(a) NCLB
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 15	The district has made appropriate reservations (set asides) on Form 2 in accordance with applicable NCLB requirements: <ol style="list-style-type: none"> 1. Professional development – highly qualified staff 2. Professional development – districts in need of improvement, corrective action or restructuring 3. Choice-related transportation and supplementary services 4. Parental involvement 5. Homeless 1113(c)(2)(A); 1113(c)(3) NCLB
	Rating: N/A District Response Required: No

Department of Education Findings:

The district does not choose to make reservations.

CRITERION NUMBER	
	Legal Standard
TI 16	The final allocations to schools have been calculated in accordance with Title I requirements, and the final allocation totals appropriately relate to the budget total. 1113(a); 1113(c)(2)(A) NCLB
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 17	The district has made allocations for students in private schools in accordance with Title I requirements. 1120(a); 1120(b); 1120(c) NCLB
	Rating: N/A District Response Required: No

Department of Education Findings:

The district does not serve any private school students at this time.

CRITERION NUMBER	
	Legal Standard
TI 18	<p>Budgeting – The district budget process demonstrates appropriate Title I program planning and implementation consistent with identified student needs at each school.</p> <p>Note the following Department procedures that were used in determining compliance under this criterion:</p> <p style="padding-left: 40px;">Review the latest budget, budget narrative, budget comparison, and list of Title I personnel documents to gain an understanding of the schools and grades participating in Title I programs. Interview school staff to determine which subjects and grades are Title I.</p> <ol style="list-style-type: none"> 1. Does the current year budget total correspond with the district’s entitlement together with any carryover? If not, obtain explanation. 2. Does the current year budget total correspond with the total funds

CRITERION NUMBER	
	Legal Standard
	<p>allocated on Form 1? If not, obtain explanation.</p> <p>3. Review the allocation for each school. Do the allocated dollars for each school approximate budget of personnel assigned to the school as shown on the personnel list? During the school visit, determine whether the personnel are assigned and teaching the grades and subjects noted.</p> <p>4. Sample schools to compare the consistency of the listing of personnel to the personnel listed on Form D of the Comparability Report. If not consistent, obtain explanation.</p> <p>MADOE Title I Grant Application Instructions and Guidance</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	TITLE I II. STUDENT IDENTIFICATION AND PLACEMENT
	Legal Standard
TI 19	<p>(For Targeted Assistance Schools) The district has available:</p> <ol style="list-style-type: none"> 1. the rank order list(s) used to determine which students should receive priority for services, as well as a description of 2. the multiple, educationally-related objective criteria used to identify and rank eligible students in grades 3 and higher who are failing or most at-risk of failing to meet the state’s challenging academic achievement standards required of all students, and 3. the criteria used to identify Preschool through grade 2 students that are based on teacher judgment, parental interviews, and developmentally appropriate measures. <p>1115 (b)(1)(B) NCLB</p>
	Rating: Partial Implemented District Response Required: Yes

Department of Education Findings:

Documentation review indicated the district uses multiple educational related criteria to determine and identify eligible students. However, the district did not have a rank order list of students selected based on priority of educational needs.

CRITERION NUMBER	
	Legal Standard
TI 20	<p>(For Targeted Assistance Schools) There is evidence that limited English proficient students, students with disabilities, and students who are homeless are identified as eligible and selected for Title I services on the same basis as other students selected to receive services and that all students have equal opportunity to be selected to receive services.</p> <p>1115(b)(2)(A) NCLB</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	TITLE I III. PARENTAL AND COMMUNITY INVOLVEMENT
	Legal Standard
TI 21	<p><u>School District Requirements:</u></p> <ol style="list-style-type: none"> 1. Title I policies, programs, activities, and procedures are assessed for needs, planned, implemented and evaluated with meaningful consultation of parents of participating children. 2. The district’s written parental involvement policy is developed and annually reevaluated with, agreed upon, and distributed to parents of participating children. 3. The district provides coordination , technical assistance, and other support necessary to assist participating schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance. 4. The district builds schools’ and parents’ capacity for strong parental involvement. 5. Title I parental involvement services are integrated with other programs’ parental involvement strategies at the school and district level. 6. The district conducts, with involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving student achievement and parental involvement. Evaluation results are used to improve programs and services. 7. The district has a system for schools to provide parents with “right to know” information: <ol style="list-style-type: none"> a. Status of school and/or district identified as “in need of improvement.” b. Notice of teacher qualifications and right of parent to request and receive information. c. Notice, if applicable, that students are taught by non- highly qualified teachers for more than four weeks.

CRITERION NUMBER	TITLE I III. PARENTAL AND COMMUNITY INVOLVEMENT
	Legal Standard
	d. Notice, if applicable, that students are taught by paraprofessionals and their qualifications. 1118(a)(1-2); 1111(h)(6) NCLB
	Rating: Partial Implemented District Response Required: Yes

Department of Education Findings:

The district has met all the requirements under this criteria related to parental and community involvement except #6. The district needs to conduct an annual evaluation of the content and effectiveness of parental involvement policy and activities to improve student achievement.

CRITERION NUMBER	TITLE I III. PARENTAL AND COMMUNITY INVOLVEMENT
	Legal Standard
TI 22	The district and schools provide materials and training to Title I parents to enable them to improve their children’s achievement (e.g., literacy training, using technology to foster parental involvement, frequent meetings with teachers, etc.). 1118(e)(2) NCLB
	Rating: Commendable District Response Required: No

Department of Education Findings:

The Title coordinator and teachers are commended for their open, ongoing training for all parents. The district conducts an early” Kindergarten Literacy Night” for parents of children who will be entering school. The training provides opportunities for parents to learn activities they can do at home to help prepare their children for entering school. For example, making words, reading books and writing. Parent interviews indicated this program has been successful in helping them improve their children’s academic achievement.

CRITERION NUMBER	
	Legal Standard
TI 23	<p><u>School Requirements:</u></p> <ol style="list-style-type: none"> 1. The school has a written parent involvement policy that is developed jointly with, agreed upon by, and distributed to parents of participating children and that stipulates how parents will be involved in the activities of the school. 2. Parents are notified of the school’s Title I parent involvement policy in an understandable format. To the extent practicable, this information is provided in the language of the home. 3. The school implements the following parent involvement requirements: <ol style="list-style-type: none"> a. Convenes an annual informational meeting at a time convenient for parents; b. Provides parents with opportunities for regular meetings regarding the education and progress of their children; and offers a flexible number of meetings (e.g., in the early morning or in the evening, etc.); c. Involves parents in an organized, ongoing, timely way in the planning, review, and improvement of the written school parental involvement policy and school improvement plans. d. Provides parents with timely information about Title I programs as well as descriptions and explanations of curriculum and assessment procedures; and e. Educates staff in how to communicate and work with parents as equal partners and how to build ties between parents and the school. 4. Each school develops jointly with parents a School-Parent Compact that outlines shared responsibilities for improving student achievement and the means by which the school and parents will build a partnership to achieve the state’s high standards. <p>1118(a-g) NCLB</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	TITLE I IV. CURRICULUM AND INSTRUCTION
	Legal Standard
TI 24 - TAS	<p>The district implements effective instructional strategies that are based on scientifically-based research that:</p> <ol style="list-style-type: none"> 1. give primary consideration to extended learning time; 2. help provide an accelerated, high quality curriculum; and 3. minimize the removal of students from the classroom during regular hours.

CRITERION NUMBER	TITLE I IV. CURRICULUM AND INSTRUCTION	
	Legal Standard	
	1115(c)(1)(C) NCLB	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
TI 25 – TAS/SWP	The school district provides opportunities for students receiving Title I services to participate in extended day/week/year programs and activities that the district offers. 1114(b)(1)(B)(ii)(II); 1115(c)(1)(C)(i) NCLB	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
TI 26 - SWP	For each school a comprehensive Schoolwide Program (SWP) plan has been developed with the involvement of the community, those served by the program, and the individuals who will implement the plan, including: <ol style="list-style-type: none"> 1. a year of planning, 2. teachers, principals, and other staff, and where appropriate, 3. pupil services personnel, 4. parents, 5. secondary school students, if applicable, 6. revision, as necessary, by the school, and 7. availability of the plan to parents and the public in a language that parents can understand. 1114(b)(2)(B)(ii-iv) NCLB	
	Rating: N/A	District Response Required: No

Department of Education Findings:
The district does not have a schoolwide program.

CRITERION NUMBER	
	Legal Standard
TI 27 - SWP	<p>The schoolwide program includes the ten components outlined in the statute. The plan stems from the comprehensive needs assessment of the entire school (the first component).</p> <p>The plan is reviewed and revised, as necessary, during the operation of the program. The review should include the results of the annual needs assessment, evaluation results, and other evidence obtained throughout the school year.</p> <p>1114(b); 1114(b)(2)(B)(iii) NCLB</p>
	Rating: N/A District Response Required: No

Department of Education Findings:
See TI-26.

CRITERION NUMBER	
	Legal Standard
TI 28- SWP	<p>In providing technical assistance and support to schoolwide programs, the district ensures that the programs and plans contain all ten required schoolwide components, and are designed to ensure that each school will make Adequate Yearly Progress (AYP).</p> <p>1112(c)(1)(C); 1114(b)(1) and (2) NCLB</p>
	Rating: N/A District Response Required: No

Department of Education Findings:
See TI- 26.

CRITERION NUMBER	TITLE I V. STUDENT SUPPORT SERVICES
	Legal Standard
TI 29A	<ol style="list-style-type: none"> Appropriate officials from private schools are informed and consulted about the availability of Title I services. Evidence of appropriate communication is maintained on file.

CRITERION NUMBER	TITLE I V. STUDENT SUPPORT SERVICES	
	Legal Standard	
	<p>2. Written affirmation is obtained and signed by officials of each participating private school, confirming that required consultation has occurred.</p> <p>1120 NCLB</p>	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
TI 29B	<p>1. Appropriate administrators from Neglected or Delinquent (N or D) facilities are informed and consulted with regard to Title I services and terms of payment. A formal agreement exists between the district and the N or D facility.</p> <p>2. The district collaborates with the locally operated N or D facility</p> <p style="padding-left: 40px;">a) to carry out high quality education programs and support services to prepare students for secondary school completion, training, employment, or further education;</p> <p style="padding-left: 40px;">b) to provide activities to facilitate the transition of students from the N or D program to further education or employment;</p> <p style="padding-left: 40px;">c) to operate programs in the district for students returning from N or D facilities, and programs which may serve at-risk students</p> <p>1120(b)(1)(I); 1421; 1423 NCLB</p>	
	Rating: N/A	District Response Required: No

Department of Education Findings:

Documentation indicated no Neglected or Delinquent facilities are located in the area.

CRITERION NUMBER	TITLE I VI. FACULTY, STAFF AND ADMINISTRATION	
	Legal Standard	
TI 30	<p>1. All professional staff providing Title I services are appropriately licensed (or hold current licensure waivers) and are highly qualified for their job title and</p>	

CRITERION NUMBER	TITLE I VI. FACULTY, STAFF AND ADMINISTRATION		
	Legal Standard		
	<p>function.</p> <p>2. Where applicable, the district's Title IIA grant application describes how it will use these funds to meet the requirements of section 1119.</p> <p>3. Each principal of a school that has a Title I program (whether a Schoolwide or a Targeted Assistance program) has attested in writing that the teachers within the school (Title I and non-Title I) who teach the core academic subjects have met or are working toward meeting the highly qualified teacher requirements.</p> <p>MGL Chapter 71, 38G 1119(a), (c), (d), and (f) NCLB 2122(b) 10 NCLB</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
TI 31	<p>Professional Development</p> <p>1. The school district uses at least 5% of its Title I funds for professional development activities to ensure that teachers who are not highly qualified, become highly qualified by the end of the 2005-2006 school year.</p> <p>2. Title I teachers are involved in the Title IIA professional development needs assessment.</p> <p>1119(k)(1) NCLB 2122(c)(1)(2) NCLB</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	TITLE I VIII. PROGRAM PLAN AND EVALUATION		
	Legal Standard		
TI 32A	<p>A needs assessment that includes an analysis of data as well as input from staff and parents is conducted annually in each Title I school (Targeted Assistance and Schoolwide programs) to determine the types of programs and services to be provided to Title I students, parents, and staff. Types of assessments used, summary of analysis of needs assessment data, and all relevant documents are available.</p>		

CRITERION NUMBER	TITLE I VIII. PROGRAM PLAN AND EVALUATION
	Legal Standard
	1114(b)(1)(A); 1115(c)(2)(B) NCLB
	Rating: Partial Implemented District Response Required: Yes

Department of Education Findings:

Although an analysis of assessment data is performed, the data collected for review of the program is not organized into an annual formal written evaluation, with a summary of the findings to inform program planning and revision.

CRITERION NUMBER	TITLE I VIII. PROGRAM PLAN AND EVALUATION
	Legal Standard
TI 32B	The implemented program is evaluated for effectiveness annually and the resulting program changes are described. A written evaluation of the program includes the results of data analysis and input from administrators, instructional staff and parents. 1114(b)(2)(B)(iii); 1115(c)(2)(B) NCLB
	Rating: Partial Implemented District Response Required: Yes

Department of Education Findings:

Documentation indicated that while an assessment is conducted annually, including input from administrators, staff and parents, no written evaluation of the program and results and effectiveness was included. The district must conduct an annual written evaluation of the program including data analysis resulting in program changes.

CRITERION NUMBER	
	Legal Standard
TI 33	Changes in the Title I program reflect an analysis of the adequate yearly progress (AYP) determinations, in the aggregate and by subgroup, in each Title I school. 1114 (b)(2)(B)(iii); 1115 (c)(2)(B); 1116(a)(1)(A) and (B) NCLB
	Rating Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
<p>TI 34</p>	<p>1. Each Title I school identified for improvement revises (not later than 3 months after being identified) a two-year school improvement plan in consultation with parents, staff, other district personnel, and outside experts. This plan includes all the necessary components as required under NCLB.</p> <p>2. Each Title I district identified for improvement revises (not later than 3 months after being identified) a district plan, in consultation with parents, school staff, and others. The district plan should:</p> <ul style="list-style-type: none"> a) incorporate scientifically based research strategies b) identify actions that improve student academic achievement c) address professional development needs d) include specific measurable achievement goals for each of the groups in the disaggregated data e) address the fundamental needs of the schools and the specific academic problems present, including an analysis of why previous district plans failed to bring about increased student achievement f) incorporate activities during an extension of the school day and school year. g) include strategies to promote effective parental involvement. <p>1116(b)(3)(A); 116(c)(7)(A) NCLB</p>
	<p>Rating: N/A District Response Required: No</p>

Department of Education Findings:

The district does not have schools identified in need of improvement.

CRITERION NUMBER	
	Legal Standard
<p>TI 35</p>	<p>For schools that have been identified for improvement, school improvement plans must be implemented not later than the beginning of next full school year following this identification.</p> <p>1116(b)(3)(C)</p>
	<p>Rating: N/A District Response Required: No</p>

Department of Education Findings: *no schools identified in need of improvement See TI- 34.*

CRITERION NUMBER	
	Legal Standard
TI 36	<p>For Title I schools and districts that have been identified for improvement the school and/or district spends at least 10% of its allocation of Title I funds (which may be from another source, if a waiver is granted) to provide teachers and administrators with high-quality professional development that directly addresses the problems associated with academic achievement in the school and/or district.</p> <p>1116(b)(3)(A)(iii) NCLB 1116(c)(7)(A)(iii) NCLB</p>
	<p>Rating: N/A District Response Required: No</p>

Department of Education Findings:

See TI-34

CRITERION NUMBER	
	Legal Standard
TI 37	<p>For schools that have been identified for improvement, the district provides students enrolled in those schools the choice to transfer to another of the district’s schools not identified as in need of improvement and informs parents of this opportunity. Priority is given to the lowest achieving students from low-income families.</p> <p>1116(b)(1)(E)(i) and (ii) NCLB 2763A-32 of P.L. 106-554 (Education Appropriations Act, 2001)</p>
	<p>Rating: N/A District Response Required: No</p>

Department of Education Findings:

See TI- 34.

CRITERION NUMBER	
	Legal Standard
TI 38	<p>For schools that continue to fail to make AYP after being identified as “in need of improvement,” “in corrective action” or “in restructuring,” the district:</p>

CRITERION NUMBER	
	Legal Standard
	<ol style="list-style-type: none"> 1. Continues to make the choice option available to students; 2. Makes supplemental educational services available; (For supplemental services, the district/school notifies parents of eligible students at least annually about the availability of supplemental educational services, objectively determines which students should receive services if all students can not be served, arranges for services to be provided, ensures that students with disabilities and students with limited English proficiency are served appropriately and, when requested, assists the Department with monitoring the services provided.) 3. Addresses requirements for schools in “corrective action” (if applicable); 4. Addresses requirements for schools in “restructuring;” 5. Provides technical assistance and monitors implementation requirements. <p>1116(b)(5) and 1116 (e) NCLB; 200.46 (4) and (5)</p>
	Rating: N/A District Response Required: No

Department of Education Findings:
No schools identified as in need of improvement.

CRITERION NUMBER	TITLE I IX. RECORD KEEPING AND FUND USE General Requirements
	Legal Standard
TI 39	<ol style="list-style-type: none"> 1. The district has submitted all required reports to the Department including the district Title I Plan/Application and Performance and Achievement Report. 2. The district maintains appropriate Title I records in a central location or at each Title I school and keeps correspondence on file, including documentation for identifying schools eligible for Title I services (Target Area Selection) determining school allocations. <p>1113; 1116 (c)(1)(B) NCLB</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 40	<p>Federal Title I Grant:</p> <ol style="list-style-type: none"> 1. The district's Title I grant is developed by designated local personnel who are responsible for the implementation of the local Title I programs, policies 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, including those for grant amendments. 3. Designated local personnel monitor the grant in an ongoing manner to ensure its full implementation as the Department has approved it. <p>MA DOE Title I Policy Guidance</p>
	<p>Rating: Implemented District Response Required: No</p>

**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 Title I- 2006.doc

File Name: Manchester Essex CPR Final Report 2006

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