



## **MARTHA'S VINEYARD REGIONAL SCHOOL DISTRICT**

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

**Dates of Onsite Visit: May 14-18, 2007**

**Date of Draft Report: July 17, 2007**

**Date of Final Report: August 15, 2007**

**Action Plan Due: September 26, 2007**

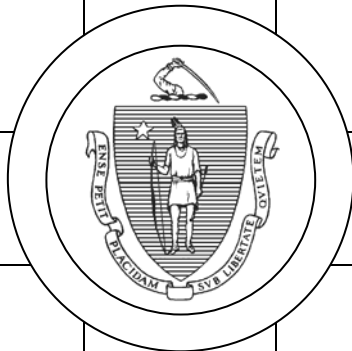
#### **Department of Education Onsite Team Members:**

**Joan Brinckerhoff, Ph.D. Chair, Program Quality Assurance Services**

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**MASSACHUSETTS DEPARTMENT OF EDUCATION  
COORDINATED PROGRAM REVIEW**

**MARTHA’S VINEYARD REGIONAL SCHOOL DISTRICT**

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## **MASSACHUSETTS DEPARTMENT OF EDUCATION**

### **COORDINATED PROGRAM REVIEW REPORT**

#### **MARTHA'S VINEYARD REGIONAL SCHOOL DISTRICT**

#### **SCOPE OF COORDINATED PROGRAM REVIEWS**

As one part of its accountability system, the Department of Education oversees local compliance with education requirements through the Coordinated Program Review (CPR). All reviews cover selected requirements in the following areas:

##### Special Education

- selected requirements from the federal Individuals with Disabilities Education Act (IDEA-2004), M.G.L. c. 71B (Chapter 766 of the Acts of 1972), and the Massachusetts Board of Education's Special Education regulations (603 CMR 28.00), as amended effective July 1, 2005. Federal requirements selected for the 2006-2007 reviews include, among others, the requirements specified by the federal Office for Special Education Programs (OSEP) and the requirements revised by IDEA-2004 and described in the Department's Special Education Advisories. Please be aware that based on the recent issuance of the federal special education regulations, which took effect October 13, 2006, we will be modifying the special education instrument in the near future and will publish any changes at that time.

##### Civil Rights Methods of Administration and Other General Education Requirements (MOA)

- selected 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 selected state requirements under M.G.L. c. 76, Section 5 (Chapter 622 of the Acts of 1971) and other Massachusetts General Laws.
- selected requirements from the Massachusetts Board of Education's Physical Restraint regulations (603 CMR 46.00).
- selected requirements from the Massachusetts Board of Education's Student Learning Time regulations (603 CMR 27.00).

##### English Learner Education (ELE) in Public Schools

- selected requirements from M.G.L. c. 71A, the state law that governs the provision of education to limited English proficient students, and 603 CMR 14.00, as well as the No Child Left Behind Act of 2001 and Title VI of the Civil Rights Act of 1964. All districts that enroll limited English proficient students will be reviewed using a combination of updated standards and a self-assessment instrument overseen by the Department's Office of Language Acquisition and Academic Achievement (OLAAA) during the 2006-2007 school year. Districts and charter schools will receive under separate cover an appendix to the English Learner Education Information Package that will include a request for information regarding ELE programs and staff qualifications.

Some reviews also cover selected requirements in:

Career/Vocational Technical Education (CVTE)

- career/vocational technical education programs under the federal Carl D. Perkins Vocational and Technical Education Act of 1998 and M.G.L. c. 74.

Districts scheduled for Title I program monitoring during the 2006-2007 school year will receive separate notice detailing the review process that will apply to the district. The methods of Title I program monitoring that will be used this year will vary, district to district, depending on the size of the district's Title I grant award, the nature of the Title I program being implemented (targeted assistance or schoolwide), and the district's 2006 AYP accountability status. All reviews will include monitoring for compliance with Title I fund use requirements (fund allocation and student eligibility rules, supplement not supplant and comparability requirements, any required set-asides for school choice transportation, supplemental services and professional development).

Significant aspects of this year's Title I monitoring will be accomplished through desk audit of available data and documents. Districts and charter schools *identified for improvement or corrective action* will be required to submit, for review, their written plans to improve student performance. In general, districts and charter schools that are in *identified for improvement or corrective action* status, for students in the aggregate or for student subgroups, and all districts with grant awards of \$300,000 or more, will have an onsite visit during the 2006-2007 school year as part of the monitoring process. Visits will be for the dual purposes of determining compliance and providing technical assistance, as needed, to improve program quality.

The Department's 2006-2007 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 programs 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.

**Timing:** 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 sixty-five school districts and charter schools are scheduled for Coordinated Program Reviews in 2006-2007. The Department's 2006-2007 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 follow-up monitoring schedule is posted at <<<http://www.doe.mass.edu/pqa/review/cpr/6yrcycle.html>>>.

**Criteria:** The Program Review criteria for each program encompass the requirements that have been selected for review. The requirements selected for review in all of the regulated programs are those that are most closely aligned with the goals of the Massachusetts Education Reform Act of 1993 to promote student achievement and high standards for all students.

**Methods:** Methods used in reviewing programs include:

- Review of documentation about the operation of the charter school or district's programs.
- Interviews of administrative, instructional, and support staff across all grade levels.
- Interviews of parent advisory council (PAC) representatives and other interviews as requested by other parents or members of the general public.
- Review of student records for special education (and for student accommodation plans under Section 504), English learner education, and career/vocational technical education. The Department selects a representative sample of student records for the onsite team to review, using standard Department procedures, to determine whether procedural and programmatic requirements have been implemented.
- Surveys of parents of students with disabilities and parents of English learners. 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 English learners 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.
- Observation of classrooms and other facilities. The onsite team visits a sample of classrooms and other school facilities used in the delivery of programs and services to determine general levels of compliance with program requirements.

*Note on 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 observation of classrooms are conducted for the collaborative.

**Report: Preparation:**

At the end of the onsite visit, the onsite team will hold an informal exit meeting to summarize its preliminary findings for the Superintendent or Charter School Leader and anyone else he or she chooses. Within approximately 45 business days of the onsite visit, the Onsite Chairperson will forward to the Superintendent or Charter School Leader (and Collaborative Director where applicable) a Draft Report containing specific findings from the Program Review. The district (and collaborative) will then have 10 business days to review the report for factual accuracy before the publication of a Final Report. The Final Report will be issued within approximately 60 business days of the conclusion of the onsite visit and posted on the Department's website at <<http://www.doe.mass.edu/pqa/review/cpr/reports/>>.

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**Content:**

*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.” “Implementation in Progress,” used for criteria containing new legal requirements, means that the district has implemented any old requirements contained in the criterion and is 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. In a very few cases, for administrative reasons, the onsite team does not review a criterion; in those cases the criterion is marked “Not Rated.”

*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.

**Response:** Where criteria are found “Partially Implemented or “Not Implemented,” the district or charter school must propose corrective action to bring those areas into compliance with the relevant statutes and regulations. This corrective action plan will be due to the Department within 30 business days after the issuance of the Final Report and is subject to the Department’s review and approval.

As the school or district is implementing the approved corrective action, Department staff will provide ongoing technical assistance. To assist in the implementation of corrective action related to the area of special education, schools and districts may apply for limited special education technical assistance funds. **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 is a positive experience and that the Final Report is helpful in planning for the continued 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 Martha's Vineyard Regional School District during the week of May 14, 2007 to evaluate the implementation of selected criteria in the program areas of special education, civil rights and other related general education requirements, English learner education, and career/vocational technical education. The team appreciated the opportunity to interview staff and parents, to observe classroom facilities and to review the programs underway in the district. The onsite team would like to commend the following areas that were brought to its attention and that it believes have a significant and positive impact on the delivery of educational services for students enrolled in the Martha's Vineyard Regional Schools including Edgartown, Oak Bluffs, Tisbury, and Up-Island Regional schools. These areas are as follows:

*The district leadership established and participated on an All Island Policy Committee.*

*Staff are committed to supporting students. For example, one principal spent two summers learning Portuguese and the Brazilian culture.*

*A problem solving approach is implemented and modeled by staff for students at all levels.*

*The district has a strong emphasis on strategic instruction with a focus on student outcomes.*

*The Rebecca Amos Alternative Program provides options for students to stay in school and finish their high school education.*

*The district maintains small class sizes to support all students.*

*A large variety of extracurricular and after school activities is available to students at each school, including age appropriate groups for students on the spectrum.*

*The district has a variety of activities for parent and community member participation.*

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

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

- Interviews of 16 administrative staff.
- Interviews of 61 teaching and support services staff across all levels.
- Interviews of one parent advisory council (PAC) representatives.
- Interviews of 15 students.
- Interviews as requested by six persons from the general public.
- Student record reviews: A sample of 56 student records was selected by the Department. 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.
- Surveys of parents of students with disabilities: 28 parents of students with disabilities were sent surveys that solicited information about their experiences with the district's implementation of special education programs, related services and procedural requirements. 11 of these parent surveys were returned to the Department of Education for review.

- Surveys of parents of ELE students: 10 parents of ELE students were sent surveys that solicited information about their experiences with the district’s implementation of English learner education programs, services, and procedural requirements, one of these parent surveys were returned to the Department of Education for review.
- Observation of classrooms and other facilities. A sample of 18 instructional classrooms and other school facilities used in the delivery of programs and services was visited to determine general levels of compliance with program requirements.

The report includes findings in the program areas reviewed organized under nine components. These components are:

- Component I: Assessment of Students**
- Component II: Student Identification and Program Placement**
- Component III: Parent and Community Involvement**
- Component IV: Curriculum and Instruction**
- Component V: Student Support Services**
- Component VI: Faculty, Staff and Administration**
- Component VII: School Facilities**
- Component VIII: Program Evaluation**
- Component IX: Recordkeeping and Fund Use**

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.



**MARTHA'S VINEYARD REGIONAL SCHOOL DISTRICT  
SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT  
RECEIVING A COMMENDABLE RATING  
FROM THE DEPARTMENT OF EDUCATION**

<b>Special Education</b>	<b>Civil Rights and Other General Education Requirements</b>	<b>English Learner Education</b>	<b>Career/Vocational Technical Education</b>
SE 15, SE 20, SE 21, SE 26, SE 42	MOA 3	ELE 7	

**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
<b>Special Education</b>	SE 2, SE 6, SE 8, SE 9, SE 12, SE 18A, SE 18B, SE 24, SE 25, SE 32, SE 37, SE 51, SE 55		
<b>Civil Rights and Other General Education Requirements</b>	MOA 10A, MOA 23, MOA 25		
<b>English Learner Education</b>	ELE 5, ELE 6, ELE 14, ELE 15, ELE 16, ELE 18		ELE 10
<b>Career/Vocational Technical Education</b>	CVTE 1, CVTE 3, CVTE 7, CVTE 8, CVTE 9, CVTE 10, CVTE 13, CVTE 14, CVTE 15, CVTE 17, CVTE 19, CVTE 24, CVTE 25, CVTE 27, CVTE 28, CVTE 31, CVTE 32, CVTE 34, CVTE 35, CVTE 36	CVTE 2, CVTE 37	

**NOTE THAT ALL OTHER CRITERIA RATED BY THE DEPARTMENT THAT ARE NOT MENTIONED ABOVE HAVE RECEIVED AN "IMPLEMENTED," "IMPLEMENTATION IN PROGRESS," OR "NOT APPLICABLE" RATING.**

## DEFINITION OF COMPLIANCE RATINGS

<b>Commendable</b>	Any requirement or aspect of a requirement implemented in an exemplary manner significantly beyond the requirements of law or regulation.
<b>Implemented</b>	The requirement is substantially met in all important aspects.
<b>Implementation in Progress</b>	(Used for criteria containing new legal requirements) The district has implemented any old requirements contained in the criterion and is 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.
<b>Partially Implemented</b>	The requirement, in one or several important aspects, is not entirely met.
<b>Not Implemented</b>	The requirement is totally or substantially not met.
<b>Not Applicable</b>	The requirement does not apply to the school district or charter school.

Several special education criteria or portions of special education criteria, as well as a portion of a civil rights criterion, have been **bolded** in the report below. These bolded 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 bolded areas may also be areas that the Massachusetts Department of Education is closely monitoring because of concerns identified through a needs assessment by the statewide special education steering committee.

School districts are reminded that although CPRs 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  
FINDINGS**

<b>CRITERION NUMBER</b>	<b>SPECIAL EDUCATION I. ASSESSMENT OF STUDENTS</b>
	<b>Legal Standard</b>
<b>SE 1</b>	<p><b>Assessments are appropriately selected and interpreted for students referred for evaluation</b></p> <ol style="list-style-type: none"> <li>1. Tests and other evaluation materials are: <ol style="list-style-type: none"> <li>a. validated</li> <li>b. administered and interpreted by trained individuals</li> <li>c. tailored to assess specific areas of educational need and related developmental needs</li> <li>d. selected and administered to reflect aptitude and achievement levels and related developmental needs</li> <li>e. as free as possible from cultural and linguistic bias</li> <li>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> <li>g. not the sole criterion for determining an appropriate educational program</li> <li>h. not only those designed to provide a single general intelligence quotient</li> <li>i. are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or the other factors the test purports to measure</li> <li>j. technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors</li> </ol> </li> <li>2. In interpreting evaluation data and making decisions, the district: <ol style="list-style-type: none"> <li>a. uses information from a variety of sources to gather relevant functional and developmental information, including information provided by the parent</li> <li>b. ensures that information obtained from these sources is considered</li> <li>c. ensures that the placement decision conforms with placement in the least restrictive environment</li> <li>d. includes information related to enabling the student to be involved in and progress in the general curriculum</li> </ol> </li> </ol> <p><b>State Requirements</b> 603 CMR 28.04 603 CMR 28.05</p> <p><b>Federal Requirements</b> IDEA-97: 34 CFR 300.532, 300.535 34 CFR 104.35(b) IDEA-2004: Sections 614(b)(3)(A)(ii); 614(c)(1)(B)(ii)</p>

<b>CRITERION NUMBER</b>	<b>SPECIAL EDUCATION I. ASSESSMENT OF STUDENTS</b>
	<b>Legal Standard</b>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

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

<b>CRITERION NUMBER</b>					
	<b>Legal Standard</b>				
	<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>				
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>State Requirements</b></td> <td style="width: 50%;"><b>Federal Requirements (IDEA-97)</b></td> </tr> <tr> <td>603 CMR 28.04 (1) and (2)</td> <td>34 CFR 300.532; 300.346.(a)(2)(v)</td> </tr> </table>	<b>State Requirements</b>	<b>Federal Requirements (IDEA-97)</b>	603 CMR 28.04 (1) and (2)	34 CFR 300.532; 300.346.(a)(2)(v)
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	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>Rating: Partially Implemented</b></td> <td style="width: 50%;"><b>District Response Required: Yes</b></td> </tr> </table>	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>		
<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>				

**Department of Education Findings:**

*Student records and staff interviews indicated that an educational assessment including the history of the student's educational progress in the general curriculum and assessments by a teacher 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 were frequently not completed for eligibility determination evaluations.*

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
<p><b>SE 3</b></p> <p>Reserved during the 2006-7 school year</p>	<b>Special requirements for determination of specific learning disabilities</b>		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>Rating: Not Rated for School Year 2006-2007</b></td> <td style="width: 50%;"><b>District Response Required: No</b></td> </tr> </table>	<b>Rating: Not Rated for School Year 2006-2007</b>	<b>District Response Required: No</b>
<b>Rating: Not Rated for School Year 2006-2007</b>	<b>District Response Required: No</b>		

**Department of Education Findings:**

*Statutory requirements for the determination of specific learning disabilities have been revised under the recently reauthorized IDEA 2004. Therefore, the Department is not making findings related to school district practices under Coordinated Program Review Criterion SE 3. For districts seeking to resolve a previous finding in this area, the Department will extend the date required for final actions on the part of the school district and will consider resolution following the issuance by MA DOE of guidance regarding the implementation of related federal regulations.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 4</b>	<p><b>Reports of assessment results</b></p> <ol style="list-style-type: none"> <li>Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impression, and shall define in detail and in educationally relevant and common terms, the student's needs, offering explicit means of meeting them. Assessors may recommend appropriate types of placements, but shall not recommend specific classrooms or schools.</li> <li>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.</li> </ol> <p><b>State Requirements</b> 603 CMR 28.04(2)(c)</p> <p><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.532</p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 5</b>	<p><b>Participation in general State and district-wide assessment programs</b></p> <ol style="list-style-type: none"> <li><b>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.</b></li> <li>The district's IEP Teams designate how each student will participate and, if necessary, provide an alternate assessment.</li> <li>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"> <li>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;</li> <li>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;</li> <li>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.</li> </ol> </li> </ol> <p><b>State Requirements</b> St. 2003, c. 140, s. 119; 603 CMR 30.05(2),(3),(5)</p> <p><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.138; 300.139</p>



<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 6</b>	<p><b>Determination of transition services</b></p> <ol style="list-style-type: none"> <li>1. <b>The Team discusses the student’s transition needs annually beginning no later than when the student is 15 years old.</b></li> <li>2. <b>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</b> <ol style="list-style-type: none"> <li>a. <b>measurable goals, based on age-appropriate transition assessments, related to postsecondary training, education, and employment, and, where appropriate, to independent living skills; and</b></li> <li>b. <b>the transition services, including courses of study, needed to reach those goals.</b></li> </ol> <p><b>The Team updates these goals and services as necessary based on its annual discussion of the student’s transition needs.</b></p> </li> <li>3. <b>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.</b></li> <li>4. For any student approaching graduation or the age of twenty-two, the Team determines whether the student is likely to require continuing services from adult human service agencies. In such circumstances, the Administrator of Special Education makes a referral to the Bureau of Transitional Planning in the Executive Office of Health and Human Services in accordance with the requirements of M.G.L. c. 71B, §§12A-12C (known as Chapter 688).</li> <li>5. In cases where the IEP included needed transition services and a participating agency other than the school district fails to provide these services, the Team reconvenes to identify alternative strategies to meet the transition objectives.</li> <li>6. The district ensures that students are invited to and encouraged to attend part or all of Team meetings at which transition services are discussed or proposed</li> </ol>

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>State Requirements</b>  M.G.L. c. 71B, §§12A-C  603 CMR 28.05(4)(c) </td> <td style="width: 50%; vertical-align: top;"> <b>Federal Requirements</b>  IDEA-97: 34 CFR 300.344(b), 300.347  IDEA-2004: Section  614(d)(1)(A)(i)(VIII) </td> </tr> </table>	<b>State Requirements</b> M.G.L. c. 71B, §§12A-C 603 CMR 28.05(4)(c)	<b>Federal Requirements</b> IDEA-97: 34 CFR 300.344(b), 300.347 IDEA-2004: Section 614(d)(1)(A)(i)(VIII)
<b>State Requirements</b> M.G.L. c. 71B, §§12A-C 603 CMR 28.05(4)(c)	<b>Federal Requirements</b> IDEA-97: 34 CFR 300.344(b), 300.347 IDEA-2004: Section 614(d)(1)(A)(i)(VIII)		
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<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>		

**Department of Education Findings:**

*Student records and staff interviews indicated that the vision statements on IEPs did not include student's preferences and interests or a delineation of the course of study leading to transition goals and services. The district has used the new transition form and does have participation from other agencies at the IEP Team meetings for students of transition age.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 7</b>	<p><b>Transfer of parental rights at age of majority and student participation and consent at the age of majority</b></p> <ol style="list-style-type: none"> <li>1. One year prior to the student reaching age 18, the district informs the student of his or her right at age 18 to make all decisions in relation to special education programs and services.</li> <li>2. Upon reaching the age of 18, the school district implements procedures to obtain consent from the student to continue the student's special education program.</li> <li>3. The district continues to send the parent written notices and information the parent will no longer have decision-making authority, except as provided below. <ol style="list-style-type: none"> <li>(a) If the parent has sought and received guardianship from a court of competent jurisdiction, then the parent retains full decision-making authority. The parent does not have authority to override any decision or lack of decision made by the student who has reached the age of majority unless the parent has sought or received guardianship or other legal authority from a court of competent jurisdiction</li> <li>(b) The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to share decision-making with his or her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such choice is made in the presence of the Team and is documented in written form. The student's choice prevails at any time that a disagreement occurs between the adult student and the parent or other adult with whom</li> </ol> </li> </ol>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>the student has shared decision-making</p> <p>(c) The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to delegate continued decision-making to his or her parent, or other willing adult. Such choice is made in the presence of at least one representative of the school district and one other witness and is documented in written form and maintained in the student record.</p>
	<p><b>State Requirements</b> 603 CMR 28.07(5)</p> <p style="text-align: right;"><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.347(c), 300.517</p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 8</b>	<p><b>IEP Team composition and attendance</b> The following persons are members of the IEP Team and may serve in multiple roles:</p> <ol style="list-style-type: none"> <li>1. The child's parents</li> <li>2. A representative of the school district who acts as Chairperson and who is (1) qualified to supervise or provide special education; (2) is knowledgeable about the general curriculum; and (3) is knowledgeable about the availability of resources of the district.</li> <li>3. A representative of the school district who has the authority to commit the resources of the district (and who may act as the Chairperson)</li> <li>4. A teacher who has recently had or currently has the student in a classroom or other teaching situation. If the student is involved or may be involved in a regular education program, a regular education teacher must be included as a Team member.</li> <li>5. The student, if one purpose of the meeting is to discuss transition services or if otherwise appropriate and if he/she chooses</li> <li>6. Other individuals at the request of the student's parents</li> <li>7. At least one teacher or specialist trained in the area of the student's suspected special needs</li> <li>8. Individuals who are qualified to interpret the instructional implications of evaluation results</li> <li>9. Other individuals who may be necessary to write an IEP for the child, as determined by the Administrator of Special Education</li> <li>10. When one purpose of the Team meeting is to discuss transition services, 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</li> </ol>

CRITERION NUMBER	
	<b>Legal Standard</b>
	<p>representative(s) does not attend the meeting, the school district takes other steps to obtain the participation of these agencies.</p> <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"> <li>a. the parent and district agree to use alternative means, such as a video conference or a conference call, for any Team meeting</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>b. (i) the school district and parent agree that the member's attendance is not necessary or consent to the member's excusal AND</li> <li>(ii) the parent's agreement or consent is in writing AND</li> <li>(iii) the member submits in writing any input he or she has related to the IEP's development.</li> </ul> <p><b>State Requirements</b> 603 CMR 28.02(21)</p> <p><b>Federal Requirements</b> 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><b>Rating: Partially Implemented</b>                      <b>District Response Required: Yes</b></p>

**Department of Education Findings:**

*Student records indicated that regular educators were not always in attendance at IEP Team meetings at the Martha's Vineyard Regional High School and the Oak Bluffs School.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>SE 9</b>	<p><b>Timeline for determination of eligibility and provision of documentation to parent</b>  <b>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.</b></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<b>State Requirements</b> 603 CMR 28.05(1); 28.06(2)(e)
	<b>Rating: Partially Implemented</b> <b>District Response Required: Yes</b>

**Department of Education Findings:**

*Student records indicated that timelines to determine eligibility were not met for students attending Oak Bluffs School, West Tisbury School, Edgartown School, Martha’s Vineyard Regional High School and out-of-district placements.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 9A</b>	<p><b>Elements of the eligibility determination; general education accommodations and services for ineligible students</b></p> <ol style="list-style-type: none"> <li>1. To determine whether a student is eligible for special education, the school district: <ol style="list-style-type: none"> <li>a. provides an evaluation or re-evaluation</li> <li>b. convenes a Team meeting</li> <li>c. determines whether the student has one or more disabilities</li> <li>d. determines if the student is making effective progress in school</li> <li>e. determines if any lack of progress is a result of the student’s disability</li> <li>f. determines if the student requires special education and/or related services in order to make effective progress or if the student requires related services in order to access the general curriculum</li> </ol> </li> <li>2. If a Team determines that a student is not eligible for special education but may be eligible for accommodation(s) for disability(ies) under Section 504, the student is referred for consideration by the district for eligibility under that regular education program.</li> <li>3. When the 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.</li> <li>4. When the student’s lack of progress is due to a lack of instruction in reading or mathematics 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.</li> </ol>

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	<b>Legal Standard</b>		
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<b>Rating: Implemented</b>	<b>District Response Required: No</b>		

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
<b>SE 10</b>	<p><b>End of school year evaluations</b> If consent is received between 30 and 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 14 days after the end of the school year.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><b>State Requirements</b> 603 CMR 28.05(1)</td> <td style="width: 50%;"><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.342</td> </tr> </table>	<b>State Requirements</b> 603 CMR 28.05(1)	<b>Federal Requirements (IDEA-97)</b> 34 CFR 300.342
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<b>Rating: Implemented</b>	<b>District Response Required: No</b>		

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>receiving free or reduced cost lunch) for sixteen (16) months from the date of the evaluation with which the parent disagrees.</p> <p>4. If the parent is requesting an evaluation in an area not assessed by the school district, or if the student does not meet or the parent does not choose to share the financial documentation regarding the income eligibility standards for free or reduced cost independent educational evaluation, then the school district responds in accordance with the requirements of federal law by paying for the independent educational evaluation or, within five school days, proceeding to Special Education Appeals to show that its evaluation was comprehensive and appropriate. Where the Department's Special Education Appeals finds that the school district's evaluation was comprehensive and appropriate, the school district does not pay for the independent educational evaluation requested by the parent.</p> <p>5. Whenever possible, the independent educational evaluation is completed and a written report sent no later than thirty (30) days after the date the parent requests the independent educational evaluation. If publicly funded, the report is sent to the parents and to the school district. The independent evaluator's report summarizes, in writing, procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator recommends appropriate types of placements but does not recommend specific classrooms or schools.</p> <p>6. Within ten (10) school days from the time the school district receives the report of the independent educational evaluation, the Team reconvenes and considers the independent educational evaluation (which may be publicly or privately funded) and whether a new or amended IEP is appropriate.</p> <p><b>State Requirements</b> 603 CMR 28.04(5)</p> <p><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.502(a)(3)(i)</p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 12</b>	<p><b>Frequency of re-evaluation</b></p> <p>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:</p> <p style="padding-left: 40px;">a. a re-evaluation is conducted every three years unless the parent and district agree that it is unnecessary and</p>

CRITERION NUMBER		
	Legal Standard	
	<p>b. a re-evaluation is conducted no more frequently than once a year unless the parent and district agree otherwise.</p> <p>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.</p>	
	<p><b>State Requirements</b> 603 CMR 28.04(3)</p>	<p><b>Federal Requirements</b> IDEA-97: 34 CFR 300.536; IDEA-2004: Section 614(a)(2); 614(c)(5)</p>
	<p><b>Rating: Partially Implemented</b>                      <b>District Response Required: Yes</b></p>	

**Department of Education Findings:**

*Student records indicated that re-evaluations were not always conducted within three years for students attending Edgartown School, West Tisbury School, Tisbury School, Oak Bluffs School, Martha's Vineyard Regional High School and out-of-district placements.*

CRITERION NUMBER		
	Legal Standard	
<p><b>SE 13</b></p>	<p><b>Progress Reports and content</b></p> <ol style="list-style-type: none"> <li>1. Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students.</li> <li>2. Progress report information sent to parents includes written information on the student's progress toward the annual goals in the IEP, including information on the extent to which such progress is sufficient to enable the child to achieve the goals by the end of the year.</li> <li>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.</li> </ol>	
	<p><b>State Requirements</b> 603 CMR 28.07(3)</p>	<p><b>Federal Requirements</b> IDEA-97: 34 CFR 300.347; IDEA-2004: Section 614(c)(5)(B)(ii)</p>
	<p><b>Rating: Implemented</b>                                      <b>District Response Required: No</b></p>	



<b>CRITERION NUMBER</b>		
	<b>Legal Standard</b>	
<b>SE 14</b>	<p><b>Review and revision of IEPs</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Amendments to the IEP. 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.</li> </ol> <p><b>State Requirements</b> 603 CMR 28.04(3)</p> <p><b>Federal Requirements</b> IDEA-97: 34 CFR 300.343(c) IDEA-2004: Section 614(d)(3)(D) and (F)</p>	
	<b>Rating: Implemented</b>	<b>District Response Required: No</b>

<b>CRITERION NUMBER</b>	<b>SPECIAL EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT</b>	
	<b>Legal Standard</b>	
<b>SE 15</b>	<p><b>Outreach by the School District (Child Find)</b></p> <p>The district has annual or more frequent outreach and continuous liaison with those groups below from which promotion or transfer of students in need of special education may be expected, or which would include students in need of special education:</p> <ol style="list-style-type: none"> <li>1. professionals in community</li> <li>2. private nursery schools</li> <li>3. day care facilities</li> <li>4. group homes</li> <li>5. parent organizations</li> <li>6. clinical /health care agencies</li> <li>7. early intervention programs</li> <li>8. other public/private/parochial schools</li> <li>9. other agencies/organizations</li> <li>10. the school itself, including charter schools</li> <li>11. agencies serving migrant and/or homeless persons pursuant to the McKinney-Vento Education Act for Homeless Children</li> </ol>	

<b>CRITERION NUMBER</b>	<b>SPECIAL EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT</b>	
	<b>Legal Standard</b>	
	<b>State Requirements</b>	<b>Federal Requirements (IDEA-97)</b> 34 CFR 300.125; 300.312
	<b>Rating: Commendable</b>	<b>District Response Required: No</b>

**Department of Education Findings:**

*Documentation and staff interviews indicated that the district has a Memorandum of Agreement with the local Head Start including a section on child find and screening that also addresses outreach and collaborative services for students. In addition, the nature of Island life includes participation by school administrators and staff in a number of community organizations including: Martha's Vineyard Youth Council, Martha's Vineyard Council for Young Children, Martha's Vineyard Special Parents, Martha's Vineyard Community Services Board of Directors, Big Brothers/Big Sisters, YMCA, Health Advisory Committee, Vineyard Health Access Committee, Migrant and Homeless Committee, Island Counseling Center, Family Network, Vineyard Affordable Child Care Project and several other agencies such as DSS, DMR, and DMH. The documentation included evidence of reports for child search notices and screenings by letters, newspaper articles, web site information and cable announcements. Screenings occur on demand for young children under three years of age that are not currently enrolled in early intervention and annually for kindergarteners. The district collaborated with several agencies to develop A Family's Guide: Early Childhood Resource Guide.*

<b>CRITERION NUMBER</b>		
	<b>Legal Standard</b>	
<b>SE 16</b>	<p><b>Screening</b></p> <ol style="list-style-type: none"> <li>1. The school district conducts screening for three and four year olds and for all children who are of age to enter kindergarten. Such screening is designed to review a child's development and to assist in identification of those children who should be referred for an evaluation to determine eligibility for special education services.</li> <li>2. Participation in the screening program for three and four year olds is optional on the part of the parents.</li> <li>3. Provision is made for ongoing and periodic screening of all students as required by the Department of Public Health (vision, hearing, and posture).</li> </ol>	
	<p><b>State Requirements</b> 603 CMR 28.03(1)(d) M.G.L. c. 71, § 57</p>	<p><b>Federal Requirements</b></p>
	<b>Rating: Implemented</b>	<b>District Response Required: No</b>

CRITERION NUMBER	
	<b>Legal Standard</b>
SE 17	<p><b>Initiation of services at age three and Early Intervention transition procedures</b></p> <ol style="list-style-type: none"> <li>1. <b>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.</b></li> <li>2. The district implements procedures to ensure the effective transition of young children with disabilities from Early Intervention Programs through participation in transition planning conferences arranged by such programs.</li> </ol> <p><b>State Requirements</b> 603 CMR 28.06(7)(b)</p> <p style="text-align: right;"><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.24(b)(3); 300.121(c); 300.132; 300.342(c)</p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span></p>

CRITERION NUMBER	
	<b>Legal Standard</b>
SE 18A	<p><b>IEP development and content</b></p> <ol style="list-style-type: none"> <li>1. <ol style="list-style-type: none"> <li>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 2006-2007 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></li> <li>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.</li> </ol> </li> </ol>

CRITERION NUMBER				
	Legal Standard			
	<p>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.</p> <p>3. In developing the IEP, the Team proposes specially designed instruction and related services according to the needs of the child <u>and not</u> according to the availability of such instruction or related services.</p> <p>4. The IEP is completed addressing all elements of the most current IEP format provided by the Department of Education. Where applicable, the district includes in the IEP, or other notice to the parent, information regarding the implementation of any necessary restraint procedures for students as required under 603 CMR 46.00.</p> <p>5. If the Team members are unable to agree on the IEP, the Team chairperson states the elements of the IEP proposed by the school district.</p> <p>6. The school district ensures that whatever services are set out in the IEP will actually be provided and that the IEP will not be changed at a higher administrative level within the district.</p> <p>7. The IEP is written in generally understandable language.</p> <table border="0" data-bbox="399 1079 1409 1314"> <tr> <td data-bbox="399 1079 829 1178"> <p><b>State Requirements</b> 603 CMR 28.05(3), (4), (6) and (7); 28.06(2)</p> </td> <td data-bbox="829 1079 1409 1314"> <p><b>Federal Requirements</b> IDEA-97: 34 CFR 300.340-300.350; 300.343(a) 34 CFR Part 300, Appendix A, Question #22. IDEA-2004: Section 614(d)(1)(A)(i); 614(d)(3)(A)</p> </td> </tr> </table>		<p><b>State Requirements</b> 603 CMR 28.05(3), (4), (6) and (7); 28.06(2)</p>	<p><b>Federal Requirements</b> IDEA-97: 34 CFR 300.340-300.350; 300.343(a) 34 CFR Part 300, Appendix A, Question #22. IDEA-2004: Section 614(d)(1)(A)(i); 614(d)(3)(A)</p>
<p><b>State Requirements</b> 603 CMR 28.05(3), (4), (6) and (7); 28.06(2)</p>	<p><b>Federal Requirements</b> IDEA-97: 34 CFR 300.340-300.350; 300.343(a) 34 CFR Part 300, Appendix A, Question #22. IDEA-2004: Section 614(d)(1)(A)(i); 614(d)(3)(A)</p>			
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>		

**Department of Education Findings:**

*Student records, staff interviews and parent surveys indicated that not all IEP goals are measurable and the Present Level of Educational Performance A and B were not fully completed for student's IEPs attending Edgartown School, West Tisbury School, Tisbury School, Oak Bluffs School, Martha's Vineyard Regional High School and out-of-district placements.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>SE 18B</b>	<p><b>Determination of placement; provision of IEP to parent</b></p> <ol style="list-style-type: none"> <li>1. At the Team meeting, after the IEP has been fully developed, the Team determines the appropriate placement to deliver the services on the student's IEP.</li> <li>2. Unless the student's IEP requires some other arrangement, the student is educated in the school that he or she would attend if the student did not require special education.</li> <li>3. The decision regarding placement is based on the IEP, including the types of related services that are to be provided to the child, the type of settings in which those services are to be provided, the types of service providers, and the location at which the services are to be provided.</li> <li>4. The placement selected by the Team is the least restrictive environment consistent with the needs of the student.</li> <li>5. Immediately following the development of the IEP, the district provides the parent with two (2) copies of the proposed IEP and proposed placement along with the required notice, except that the proposal of placement may be delayed according to the provisions of 603 CMR 28.06(2)(e) in a limited number of cases.</li> </ol> <p><b>State Requirements</b> 603 CMR 28.05(6) and (7)</p> <p style="text-align: right;"><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.346</p>
	<p><b>Rating: Partially Implemented</b>                      <b>District Response Required: Yes</b></p>

**Department of Education Findings:**

*Student records, staff interviews and parent surveys indicated that immediately following the development of the IEP, the district did not provide the parent with the proposed IEP and proposed placement along with the required notice.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>SE 19</b>	<p><b>Extended evaluation</b></p> <p>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"> <li>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</li> </ol>

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

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>SE 20</b>	<p><b>Least restrictive program selected</b></p> <ol style="list-style-type: none"> <li>1. <b>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.</b></li> <li>2. <b>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.</b></li> <li>3. <b>The district does not remove an eligible child from the general education classroom solely because of needed modification in the curriculum.</b></li> <li>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.</li> </ol> <p><b>State Requirements</b> M.G.L. c. 71B, § 3 603 CMR 28.06(2)</p> <p style="text-align: right;"><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.130; 300.550-300.556</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<b>Rating: Commendable</b> <b>District Response Required: No</b>

**Department of Education Findings:**

*Student records, documentation, staff interviews and parent surveys indicated that the district makes every effort to keep students on the Island and involved in the life of their school. Factors that contribute to placing students in the least restrictive environment include small class sizes, the introduction of response to intervention, use of strategic instruction, options such as the alternative program, and a large variety of extracurricular activities. The district actively pursues grants and has a history of continuing implementation and securing funding to adopt and expand the initial grant activities as demonstrated through the grants for preschool, autism spectrum disorder grant and strategic instruction grant. Ultimately it is the staff commitment to a consistent problem solving approach that lead to so many services provided to students in the least restrictive environment.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 21</b>	<p><b>School day and school year requirements</b></p> <ol style="list-style-type: none"> <li>1. The Team routinely considers the need for an educational program that is less than or more than the regular school day or school year, including extended day, or year, and/or residential services and indicates on the IEP why the shorter or longer program is necessary.</li> <li>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.</li> <li>3. Specialized transportation schedules do not impede a student’s access to a full school day and program of instruction.</li> <li>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.</li> <li>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 reflect the comprehensive nature of the educational program required.</li> <li>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.</li> </ol>

<b>CRITERION NUMBER</b>			
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	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>State Requirements</b>  M.G.L. c. 69, § 1G  603 CMR 28.05(4) </td> <td style="width: 50%; vertical-align: top;"> <b>Federal Requirements (IDEA-97)</b>  34 CFR 300.309(b) </td> </tr> </table>	<b>State Requirements</b> M.G.L. c. 69, § 1G 603 CMR 28.05(4)	<b>Federal Requirements (IDEA-97)</b> 34 CFR 300.309(b)
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<b>Rating: Commendable</b>	<b>District Response Required: No</b>		

**Department of Education Findings:**

*Documentation, student records and staff interviews indicated that the district provides a wide variety of age appropriate summer options to individualize the programs and services for students who demonstrate or are likely to demonstrate substantial regression in learning skills or in relearning skills. The options include a summer program offered at the student’s level (preschool, elementary, middle or secondary), a single service such as speech therapy, a camp with support to meet IEP goals, an academic tutor just prior to the beginning of school to prevent a longer recoupment of skills, and participation in academic clinics offered to students who did not pass MCAS, and tutoring.*

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
<b>SE 22</b>	<p><b>IEP implementation and availability</b></p> <ol style="list-style-type: none"> <li>1. Where the IEP of the student in need of special education has been accepted in whole or in part by that student's parent, the school district provides the mutually agreed upon services without delay.</li> <li>2. At the beginning of each school year, the district has an IEP in effect for each eligible student within its jurisdiction.</li> <li>3. Each teacher and provider described in the IEP is informed of his or her specific responsibilities related to the implementation of the student’s IEP.</li> <li>4. The school district does not delay implementation of the IEP due to lack of classroom space or personnel, provides as many of the services on the accepted IEP as possible and immediately informs parents in writing of any delayed services, reasons for delay, actions that the school district is taking to address the lack of space or personnel and offers alternative methods to meet the goals on the accepted IEP. Upon agreement of the parents, the school district implements alternative methods immediately until the lack of space or personnel issues are resolved.</li> </ol> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>State Requirements</b>  603 CMR 28.05(7)(b); 28.06(2)(d)(2) </td> <td style="width: 50%; vertical-align: top;"> <b>Federal Requirements (IDEA-97)</b>  34 CFR 300.342 </td> </tr> </table>	<b>State Requirements</b> 603 CMR 28.05(7)(b); 28.06(2)(d)(2)	<b>Federal Requirements (IDEA-97)</b> 34 CFR 300.342
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<b>Rating: Implemented</b>	<b>District Response Required: No</b>		



CRITERION NUMBER	SPECIAL EDUCATION III. PARENTAL INVOLVEMENT					
	Legal Standard					
SE 24	<p data-bbox="402 373 1401 472"><b>Notice to parent regarding proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE</b></p> <ol data-bbox="402 478 1401 1346" style="list-style-type: none"> <li data-bbox="402 478 1401 541">1. A student may be referred for an evaluation by a parent or any person in a caregiving or professional position concerned with the student's development.</li> <li data-bbox="402 548 1401 810">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, along with the district's notice of procedural safeguards. The written notice meets all of the content requirements set forth in M.G.L. c.71B, §3, and in federal law, seeks the consent of the parent for the evaluation to occur, and provides the parent with the opportunity to express any concerns or provide information on the student's skills or abilities and to consult regarding the evaluators to be used.</li> <li data-bbox="402 816 1401 879">3. Notice complying with federal requirements is given by the district within a reasonable time for all other actions.</li> <li data-bbox="402 886 1401 978">4. The school district provides the student's parent(s) with an opportunity to consult with the Special Education Administrator or his/her designee to discuss the reasons for the referral and the nature of the proposed evaluation</li> <li data-bbox="402 984 1401 1077">5. The district provides parents with an opportunity to consult with the Administrator of Special Education or his/her designee regarding the evaluators to be used and the proposed content of all required and optional assessments</li> <li data-bbox="402 1083 1401 1247">6. The school district does not limit a parent's right to refer a student for timely special education evaluation because the district has not fully explored and/or attempted some or all of the available instructional support programs or other interventions available in general education that may be described in the district's curriculum accommodation plan, including any pre-referral program.</li> <li data-bbox="402 1253 1401 1346">7. The school district refuses to conduct an initial evaluation only when the circumstances of a student make clear that there is no suspicion of a disability and that there is no concern about the student's development.</li> </ol> <table data-bbox="402 1381 1401 1486"> <tr> <td data-bbox="402 1381 649 1413"><b>State Requirements</b></td> <td data-bbox="979 1381 1260 1413"><b>Federal Requirements</b></td> </tr> <tr> <td data-bbox="402 1419 638 1482">M.G.L. c. 71B, § 3; 603 CMR 28.04(1)</td> <td data-bbox="979 1419 1382 1482">IDEA-97: 34 CFR 300.503(a); IDEA-2004: Section 615(d)(1)(A)</td> </tr> </table>		<b>State Requirements</b>	<b>Federal Requirements</b>	M.G.L. c. 71B, § 3; 603 CMR 28.04(1)	IDEA-97: 34 CFR 300.503(a); IDEA-2004: Section 615(d)(1)(A)
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M.G.L. c. 71B, § 3; 603 CMR 28.04(1)	IDEA-97: 34 CFR 300.503(a); IDEA-2004: Section 615(d)(1)(A)					
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>				

**Department of Education Findings:**

*Student records and staff interviews indicated that the notice forms do not always include the required guiding questions and answers. Student records indicated that some records did not contain notices to propose an evaluation or an IEP.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 25</b>	<p><b>Parental consent</b>  In accordance with state and federal law, the school district obtains informed parental consent as follows:</p> <ol style="list-style-type: none"> <li>1. The school district obtains written parental consent before conducting an initial evaluation and before making an initial placement of a student in a special education program. Written parental consent is obtained before conducting a reevaluation and before placing a student in a special education placement subsequent to the initial placement in special education.</li> <li>2. The school district obtains consent before initiating extended evaluation services.</li> <li>3. The school district obtains consent to the services proposed on a student’s IEP before providing such services.</li> <li>4. A parent is informed that consent may be revoked at any time. Except for initial evaluation and initial placement, consent may not be required as condition of any benefit to the child.</li> <li>5. When the participation or consent of the parent is required and the parent fails or refuses to participate, the attempts to secure the consent of the parent are implemented through multiple attempts using a variety of methods which are documented by the district. Such efforts may include letters, written notices sent by certified mail, electronic mail (e-mail), telephone calls, or, if appropriate, TTY communications to the home, and home visits at such time as the parent is likely to be home. Efforts may include seeking assistance from a community service agency to secure parental participation.</li> <li>6. If, subsequent to initial evaluation and initial placement and after following the procedures required by the regulations, the school district is unable to obtain parental consent to a reevaluation or to placement in a special education program subsequent to the initial placement, or the parent revokes consent to such reevaluation or placement, the school district considers with the parent whether such action will result in the denial of a free appropriate public education to the child. If, after consideration, the school district determines that the parent’s failure or refusal to consent will result in a denial of a free appropriate public education to the student, it seeks resolution of the dispute through Special Education Appeals.</li> </ol> <p style="text-align: center;"><b>State Requirements</b> 603 CMR 28.07(1)</p> <p style="text-align: center;"><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.500(b)(1)</p>



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<b>CRITERION NUMBER</b>					
	<b>Legal Standard</b>				
<b>SE 26</b>	<p><b>Parent participation in meetings</b></p> <ol style="list-style-type: none"> <li>1. The district ensures that one or both parents of a child are members of any group that makes decisions on the educational placement of their child.</li> <li>2. The Administrator of Special Education notifies parent(s) in writing of any Team meeting early enough to ensure that they have an opportunity to attend.</li> <li>3. The district schedules the meeting at a mutually agreed upon time and place; and documents such efforts.</li> <li>4. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls, or video conferencing.</li> <li>5. In cases where the district, after reasonable efforts, is unable to obtain the parents' participation in Team meeting discussions and decisions, the district conducts the Team meeting and documents its attempts to facilitate the parents' participation.</li> </ol> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>State Requirements</b></td> <td style="width: 50%;"><b>Federal Requirements (IDEA-97)</b></td> </tr> <tr> <td>603 CMR 28.02(21)</td> <td>34 CFR 300.345(d), 300.501</td> </tr> </table>	<b>State Requirements</b>	<b>Federal Requirements (IDEA-97)</b>	603 CMR 28.02(21)	34 CFR 300.345(d), 300.501
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**Department of Education Findings:**

*Student records and staff interviews indicated that IEP meetings were organized around parent's schedules and that the liaison sits next to the parent to expand on definitions and solicit input from parents. In addition the parents are invited to meet with the school psychologist prior to an eligibility determination meeting to get any questions answered regarding the evaluations conducted by the district.*



CRITERION NUMBER	
	<b>Legal Standard</b>
SE 32	<p><b>Parent advisory council for special education</b></p> <ol style="list-style-type: none"> <li>1. The school district has established a district-wide parent advisory council on special education.</li> <li>2. Membership on the council is offered to all parents of children with disabilities and other interested parties.</li> <li>3. The parent advisory council duties include but are not limited to: advising the 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.</li> <li>4. The parent advisory council has established by-laws regarding officers and operational procedures.</li> <li>5. The parent advisory council receives assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff and resources.</li> <li>6. The school district conducts, in cooperation with the parent advisory council, at least one workshop annually within the district on the rights of students and their parents and guardians under the state and federal special education laws.</li> </ol> <p><b>State Requirements</b> M.G.L. c. 71B, § 3; 603 CMR 28.03(1)(a)(4); 28.07(4)</p> <p style="text-align: right;"><b>Federal Requirements</b></p>
	<p><b>Rating: Partially Implemented</b>                      <b>District Response Required: Yes</b></p>

**Department of Education Findings:**

*Documentation and interviews with staff and PAC chair indicated that the district has not yet completed the workshop on parent and student rights. The PAC has not met regularly with school officials to participate in the planning, development, and evaluation of the school district's special education programs.*

CRITERION NUMBER	<b>SPECIAL EDUCATION IV. CURRICULUM AND INSTRUCTION</b>
	<b>Legal Standard</b>
SE 33	<p><b>Involvement in the general curriculum</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. The district has taken steps to provide students (including all students with disabilities) with essential learning opportunities that prepare the students to</li> </ol>

<b>CRITERION NUMBER</b>	<b>SPECIAL EDUCATION IV. CURRICULUM AND INSTRUCTION</b>	
	<b>Legal Standard</b>	
	<p>reach the state graduation standards.</p> <p>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.</p> <p>4. In the IEP the district documents the student's participation in the general curriculum.</p>	
	<b>State Requirements</b> 603 CMR 28.05(4)(a) and (b)	<b>Federal Requirements (IDEA-97)</b> 34 CFR 300.347(a)(1)(i); 300.137
	<b>Rating: Implemented</b>	<b>District Response Required: No</b>

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

<b>CRITERION NUMBER</b>		
	<b>Legal Standard</b>	
<b>SE 35</b>	<p><b>Assistive technology: specialized materials and equipment</b></p> <p>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.</p> <p>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>	

<b>CRITERION NUMBER</b>			
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<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
<b>SE 36</b>	<p><b>IEP implementation, accountability and financial responsibility</b></p> <ol style="list-style-type: none"> <li>1. The district ensures that IEPs are implemented without delay upon parent consent.</li> <li>2. The district oversees in an ongoing manner the full implementation of each in-district and each out-of-district IEP it proposes which has been consented to by a child's parents.</li> <li>3. The district makes a good faith effort to assist the child to achieve the goals and, if any, the objectives or benchmarks listed in the IEP. <i>(Note: For 2006-2007 every IEP should contain objectives or benchmarks—see SE 18A part 1a above.)</i></li> <li>4. The district provides all programs and services without expense to the child's parents.</li> <li>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.</li> </ol> <table style="width: 100%; border: none; margin-top: 10px;"> <tr> <td style="width: 50%;"><b>State Requirements</b> 603 CMR 28.06(3)</td> <td style="width: 50%;"><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.13(a); 300.142; 300.300; <b>300.302; 300.350</b></td> </tr> </table>	<b>State Requirements</b> 603 CMR 28.06(3)	<b>Federal Requirements (IDEA-97)</b> 34 CFR 300.13(a); 300.142; 300.300; <b>300.302; 300.350</b>
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CRITERION NUMBER	
	<b>Legal Standard</b>
SE 37	<p><b>Procedures for approved and unapproved out-of-district placements</b></p> <ol style="list-style-type: none"> <li>1. <u>Individual student program oversight</u>: The school district monitors the provision of services to and the programs of individual students placed in public and private out-of-district programs. Documentation of monitoring plans and all actual monitoring are placed in the files of every eligible student who has been placed out-of-district. To the extent that this monitoring requires site visits, such site visits are documented and placed in the students' files for review. The duty to monitor out-of-district placements is not delegated to parents or their agents, to the Department of Education, or to the out-of-district placement.</li> <li>2. <u>Student right to full procedural protections</u>: The school district retains full responsibility for ensuring that the student is receiving all special education and related services in the student's IEP, as well as all procedural protections of law and regulation. Any Team meetings conducted during the time that a student is enrolled in the out-of-district program are initiated by the school district in coordination with the out-of-district placement.</li> <li>3. <u>Preference to approved programs</u>: The school district, in all circumstances, first seeks to place a student in a program approved by the Department pursuant to the requirements of 603 CMR 28.09. Preference is also given to approved programs located within the Commonwealth of Massachusetts if the choice of such program is consistent with the needs of the student and the choice of such 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.</li> <li>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).</li> <li>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.</li> <li>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"> <li>a. <u>Search</u>: The Administrator of Special Education documents the search for and unavailability of a program approved by the Department. The Administrator places such documentation in the student record.</li> <li>b. <u>Evaluation of facility</u>: The Administrator of Special Education or his/her designee thoroughly evaluates the appropriateness of any unapproved facility prior to placement of the student in such program.</li> </ol> </li> </ol>

CRITERION NUMBER	
	<b>Legal Standard</b>
	<p>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>

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
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<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>		

**Department of Education Findings:**

*Student records and staff interviews indicated that the monitoring for IEP implementation was not documented in the student record.*

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
<b>SE 38</b>	<p><b>Educational services in institutional settings (ESIS)</b>  Department of Education responsibility: 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"> <li>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.</li> <li>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).</li> <li>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.</li> </ol> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><b>State Requirements</b> 603 CMR 28.06(9)</td> <td style="width: 50%; border: none;"><b>Federal Requirements</b></td> </tr> </table>	<b>State Requirements</b> 603 CMR 28.06(9)	<b>Federal Requirements</b>
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<b>Rating: Implemented</b>	<b>District Response Required: No</b>		

CRITERION NUMBER	
	<b>Legal Standard</b>
SE 39A	<p><b>Procedures used to provide services to eligible students enrolled in private schools at private expense whose parents reside in the district</b></p> <ol style="list-style-type: none"> <li>1. The district conducts child find activities--comparable to those for public school students--for all students enrolled at private expense in private schools in the district.</li> <li>2. The district provides or arranges for the provision of an evaluation for any private school child whose parent resides in the district who is referred for evaluation. The evaluation may take place in the public school, the private school, or an appropriate contracted facility; the 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. The district provides an IEP for any such private school child who is found eligible for special education and/or related services.</li> <li>3. 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 district, and does so according to a properly developed IEP. The district provides to such children genuine opportunities to participate in a public school special education program consistent with state constitutional limitations.</li> <li>4. In providing or arranging for the provision of the special education and/or related services described by the child's IEP, 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. When the child attends a private school located outside of the district, the district makes reasonable efforts to provide or arrange for the provision of services for the child in the community where the school is located.</li> <li>5. The district does not withdraw or withhold services from a child whose parents reside in the district solely because the district has met the spending requirements of federal law.</li> <li>6. Special education services and/or related services for a private school child whose parents reside in the district are comparable in quality, scope, and opportunity for participation to those provided to public school children with needs of equal importance.</li> <li>7. 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 services provided to eligible students whose parents reside in the district within 15 calendar days of the district's receipt of the child's physician statement.</li> <li>8. The district calculates the proportionate share of Federal Special Education Entitlement funds (Fund Code 240) required to be spent on eligible private school students (including both eligible students whose parents reside in the district and eligible students attending private school in the district whose parents reside out of state) and documents the spending of at least this amount of</li> </ol>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>federal entitlement funds (Fund Code 240) on one or more of the eligible private school students.</p> <p><b>State Requirements</b> M.G.L. c. 71B, § 2 603 CMR 28.03(1)(e)</p> <p><b>Federal Requirements</b> IDEA-97: 34 CFR 300.450-300.462 IDEA-2004: Section 612(a)(10)(A)</p> <p><i>(See also Administrative Advisory SPED 2006-3R: IDEA-2004 and Private School Students and Administrative Advisory SPED 2006-5: Calculating Proportionate Share Obligations Under IDEA-2004 etc., including Attachment A: Proportionate Share Worksheet.)</i></p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	
<b>SE 39B</b>	<p><b>Procedures used to provide services to eligible students who are enrolled at private expense in private schools in the district and whose parents reside out of state</b></p> <ol style="list-style-type: none"> <li>1. The district conducts child find activities--comparable to those for public school students--for all students enrolled at private expense in private schools in the district.</li> <li>2. For students enrolled at private expense in private schools in the district and whose parents reside out of state, the district consults with the private schools in accordance with federal requirements. It conducts evaluations and determines eligibility in accordance with state and federal requirements.</li> <li>3. The district calculates the proportionate share of Federal Special Education Entitlement funds (Fund Code 240) required to be spent on eligible private school students (including both eligible students whose parents reside in the district and eligible students attending private school in the district whose parents reside out of state) and documents the spending of at least this amount of federal entitlement funds (Fund Code 240) on one or more of the eligible private school students.</li> <li>4. If the district provides services to any eligible private school student from out of state, it does so using an individual services plan.</li> </ol> <p><b>State Requirements</b> 603 CMR 28.02(7); 28.04</p> <p><b>Federal Requirements</b> IDEA-97: 34 CFR 300.450-300.462 IDEA-2004: Section 612(a)(10)(A); 614</p>

	(See also <i>Administrative Advisory SPED 2006-5: Calculating Proportionate Share Obligations Under IDEA-2004, and Serving Eligible Private School Students from Other States</i> , including Attachment A: <i>Proportionate Share Worksheet</i> .)
<b>Rating: Implemented</b>	<b>District Response Required: No</b>

<b>CRITERION NUMBER</b>	<b>Legal Standard</b>
<b>SE 40</b>	<p><b>Instructional grouping requirements for students aged five and older</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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 <ul style="list-style-type: none"> <li>• 8 students with a certified special educator,</li> <li>• 12 students if the certified special educator is assisted by 1 aide, and</li> <li>• 16 students if the certified special educator is assisted by 2 aides.</li> </ul> </li> <li>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 <ul style="list-style-type: none"> <li>• 8 students to 1 certified special educator or</li> <li>• 12 students to 1 certified special educator and 1 aide.</li> </ul> </li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
	Such steps are documented by the district.		
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<b>Rating: Implemented</b>	<b>District Response Required: No</b>		

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
<b>SE 41</b>	<p><b>Age span requirements</b> The ages of the youngest and oldest child in any instructional grouping do not differ by more than forty-eight months. A written request for approval of a wider age range is submitted to the Commissioner of Education in cases where the district believes it is justified. Such requests are implemented only after approval of the Department of Education.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><b>State Requirements</b> 603 CMR 28.06(6)(f)</td> <td style="width: 50%; border: none;"><b>Federal Requirements</b></td> </tr> </table>	<b>State Requirements</b> 603 CMR 28.06(6)(f)	<b>Federal Requirements</b>
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<b>Rating: Implemented</b>	<b>District Response Required: No</b>		

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 42</b>	<p><b>Programs for young children three and four years of age</b> <u>General requirements:</u></p> <ol style="list-style-type: none"> <li>1. The school district ensures programs are available for eligible children three and four years of age. Such programs shall be developmentally appropriate and specially designed for children ages three and four years.</li> <li>2. Where at all possible the school district accepts referrals from the Department of Public Health, other agencies, and individuals for young children when or before the child turns two-and-one-half years old in order to ensure continuity of services and to ensure the development and implementation of an IEP for eligible children by the date of the child's third birthday in accordance with federal requirements.</li> <li>3. Where appropriate, the school district elects, consistent with federal requirements to use the format and services of the Individualized Family</li> </ol>

CRITERION NUMBER	
	<b>Legal Standard</b>
	<p>Service Plan (IFSP), if appropriate, for an additional year as a means of transitioning eligible children to public school services.</p> <p>4. Where appropriate the Team allows a child to remain in a program designed for three and four year old children for the duration of the school year in which the child turns five years old (including the summer following the date of the child's fifth birthday).</p> <p><u>Types of Settings:</u></p> <p>5. <u>Inclusionary programs</u> for young children are located in a setting that includes children with and without disabilities and meet the following standards:</p> <ul style="list-style-type: none"> <li>a. Services in such programs are provided in the home, the public school, Head Start, or a licensed childcare setting.</li> <li>b. For public school programs that integrate children with and without disabilities, the class size does not exceed twenty (20) with one teacher and one aide and no more than five (5) students with disabilities. If the number of students with disabilities is six (6) or seven (7) then the class size does not exceed fifteen (15) students with one teacher and one aide.</li> </ul> <p>6. <u>Substantially separate programs</u> for young children are located in a public school classroom or facility that serves primarily or solely children with disabilities. Substantially separate programs adhere to the following standards:</p> <ul style="list-style-type: none"> <li>a. Substantially separate programs are programs in which more than 50% of the children have disabilities.</li> <li>b. Substantially separate programs operated by the district limit class sizes to nine (9) students with one teacher and one aide.</li> </ul> <p><b>State Requirements</b> 603 CMR 28.06(7)</p> <p><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.342(c)</p>
	<p><b>Rating: Commendable</b> <span style="float: right;"><b>District Response Required: No</b></span></p>

**Department of Education Findings:**

*Documentation and staff interviews indicated that the programs for young children administered and implemented by the district are commendable for services provided in the least restrictive environment, which includes community preschools, Head Start and home-based services. The district also implements its own preschool program for students with more significant disabilities. Strong collaboration with the Early Intervention Program leads to seamless transitions and timely referrals. Some staff are shared by Early Intervention and the preschool to enhance continuity of service. The preschool operates a child study team that is designed to provide consultation for children that have not been determined eligible for special education. The child study team has been effective in the district's child find efforts as well.*





<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>education.</p> <p>3. The school provides additional procedural safeguards for students with disabilities prior to any suspension beyond 10 consecutive days or more than 10 cumulative days (if there is a pattern of suspension) in any school year.</p> <p><b>State Requirements</b> M.G.L. c. 76, §§ 16-18</p> <p style="text-align: right;"><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.519-300.529</p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 46</b>	<p><b>Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district</b></p> <ol style="list-style-type: none"> <li>1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement.</li> <li>2. Prior to a suspension that constitutes a change in placement of a student with disabilities, 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.”</li> <li>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"> <li>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</li> <li>b. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur.</li> </ol> </li> <li>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</li> </ol>

<b>CRITERION NUMBER</b>	
	<p style="text-align: center;"><b>Legal Standard</b></p> <p>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</p> <p>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> <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> <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.</p> <p>6. Not later than the date of the decision to take disciplinary action, the school district notifies the parents of that decision and provides them with the written 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><b>State Requirements</b></p> <p><b>Federal Requirements</b>  IDEA-97: 34 CFR 300.519-300.528  IDEA-2004: Section 615(k)(1)-(4)</p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span></p>

CRITERION NUMBER	
	<b>Legal Standard</b>
SE 47	<p><b>Procedural requirements applied to students not yet determined to be eligible for special education</b></p> <ol style="list-style-type: none"> <li>1. If, prior to the disciplinary action, a district had knowledge that the student may be a student with a disability, then the district makes all protections available to the student until and unless the student is subsequently determined not to be eligible. The district may be considered to have prior knowledge if: <ol style="list-style-type: none"> <li>a. The parent had expressed concern in writing; or</li> <li>b. The parent had requested an evaluation; or</li> <li>c. 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.</li> </ol> <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> </li> <li>2. If the district had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the district must have procedures consistent with federal requirements to conduct an expedited evaluation to determine eligibility.</li> <li>3. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.</li> </ol> <p><b>State Requirements</b></p> <p><b>Federal Requirements</b>  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)</p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

CRITERION NUMBER	
	<b>Legal Standard</b>
SE 48	<p><b>FAPE (Free, appropriate, public education): Equal opportunity to participate in educational, nonacademic, extracurricular and ancillary programs, as well as participation in regular education</b></p> <p>All students receiving special education, regardless of placement, shall have an equal opportunity to participate in and, if appropriate, receive credit for the vocational, supportive, or remedial services that may be available as part of the general</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>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"> <li>1. art and music</li> <li>2. vocational education, industrial arts, and consumer and homemaking education</li> <li>3. work study and employment opportunities</li> <li>4. counseling services available at all levels in the district</li> <li>5. health services</li> <li>6. transportation</li> <li>7. recess and physical education, including adapted physical education</li> <li>8. athletics and recreational activities</li> <li>9. school-sponsored groups or clubs</li> <li>10. meals</li> </ol> <p><b>State Requirements</b> 603 CMR 28.06(5)</p> <p><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.121; 300.300-313</p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span></p>

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>12. social work services in schools  13. parent counseling and training, and  14. interpreting services.</p> <p><b>State Requirements</b>  603 CMR 28.02(19)</p> <p><b>Federal Requirements)</b>  IDEA-97: 34 CFR 300.24  IDEA-2004: Section 602(26)</p>
	<b>Rating: Implemented</b> <b>District Response Required: No</b>

<b>CRITERION NUMBER</b>	<b>SPECIAL EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION</b>		
	<b>Legal Standard</b>		
<b>SE 50</b>	<p><b>Administrator of Special Education</b>  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. The Administrator of Special Education is appropriately licensed or holds a current waiver for an appropriate license or otherwise demonstrates that he or she has the qualifications to perform all of the duties of the Administrator. As appropriate, and in accordance with the requirements of M.G.L. c.71B, §3A, the Administrator may designate other school district personnel to carry out some of the duties of the Administrator.</p> <p><b>State Requirements</b>  M.G.L. c. 71B, § 3A;  603 CMR 28.03(2)</p> <p><b>Federal Requirements</b></p>		
	<b>Rating: Implemented</b>	<b>District Response Required:</b>	No

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 51</b>	<p><b>Appropriate special education teacher certification/licensure</b>  Individuals who design and/or provide direct special education services described in IEPs, or who supervise the provision of special education services by other teachers or paraprofessionals, are appropriately certified.</p>







<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
	603 CMR 28.03(1)(a); 28.06(8)(b) and (c)		
	<b>Rating: Implemented</b>	<b>District Response Required:</b>	No

<b>CRITERION NUMBER</b>	<b>SPECIAL EDUCATION VII. SCHOOL FACILITIES</b>		
	<b>Legal Standard</b>		
<b>SE 55</b>	<p><b>Special education facilities and classrooms</b>  The school district provides facilities and classrooms for eligible students that</p> <ol style="list-style-type: none"> <li>1. maximize the inclusion of such students into the life of the school;</li> <li>2. provide accessibility in order to implement fully each child’s IEP;</li> <li>3. are at least equal in all physical respects to the average standards of general education facilities and classrooms; and</li> <li>4. are given the same priority as general education programs in the allocation of instructional and other space in public schools in order to minimize the separation or stigmatization of eligible students.</li> </ol> <p><b>State Requirements</b> 603 CMR 28.03(1)(b)</p> <p><b>Federal Requirements</b> Section 504 of the Rehabilitation Act of <b>1973</b></p>		
	<b>Rating: Partially Implemented</b>	<b>District Response Required:</b>	Yes

**Department of Education Findings:**

*Classroom observations and staff interviews indicated that the district places students with disabilities in shared spaces that increase distractibility at Tisbury School, Oak Bluffs School and at the Regional High School in rooms 126 and 127. The resource room at Oak Bluffs School is downstairs and does not integrate students into the life of the school. The social skills classroom at Oak Bluffs School has limited materials and is not comparable to other classrooms.*

<b>CRITERION NUMBER</b>	<b>SPECIAL EDUCATION VIII. PROGRAM PLAN AND EVALUATION</b>		
	<b>Legal Standard</b>		
<b>SE 56</b>	<p><b>Special education programs and services are evaluated</b></p> <ol style="list-style-type: none"> <li>1. Special education programs, services and administrative areas are regularly evaluated.</li> </ol>		

CRITERION NUMBER	SPECIAL EDUCATION VIII. PROGRAM PLAN AND EVALUATION
	<b>Legal Standard</b>
	<p>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.</p> <p>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.</p> <p>4. As part of these evaluation procedures, the district measures the success of programs based on students' local and statewide assessment results, drop out rates and graduation rates for special education students.</p> <p><b>State Requirements</b> M.G.L. c. 71B, § 2</p> <p><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.137</p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

CRITERION NUMBER	SPECIAL EDUCATION IX. RECORD KEEPING
	<b>Legal Standard</b>
<b>SE 57</b>	<p><b>Special education child count</b></p> <p>1. The school district maintains appropriate procedures to ensure that an accurate and unduplicated child count is provided to the Department of Education upon request. A child count represents students with current, accepted IEPs who are provided, at a minimum, direct special education and/or related services by the district or by an out-of-district provider through a contract with the district.</p> <p>2. The child count also includes students with disabilities determined eligible for special education who are attending private schools at private expense and are receiving publicly funded services according to IEPs developed by the district.</p> <p>3. The district does not include as part of its special education child count (a) students who are determined by the Department to be erroneously classified as eligible to be counted under federal or state special education requirements; (b) students who are no longer receiving special education and/or related services; and (c) students with disabilities for whom the district has no programmatic responsibility, even if the district has financial responsibility.</p> <p><b>State Requirements</b> 603 CMR 23.00</p> <p><b>Federal Requirements</b> IDEA-97: 34 CFR 300.133; 300.145; 300.560-300.577; 300.750-754; Family</p>

<b>CRITERION NUMBER</b>	<b>SPECIAL EDUCATION IX. RECORD KEEPING</b>	
	<b>Legal Standard</b>	
	Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g	
	<b>Rating: Implemented</b>	<b>District Response Required: No</b>

<b>CRITERION NUMBER</b>		
	<b>Legal Standard</b>	
<b>SE 59</b>	<p><b>Transfer of student records</b>  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"> <li>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</li> <li>2. any Massachusetts school from which the student is transferring takes reasonable steps to promptly respond to the new school's request for records.</li> </ol>	
	<b>State Requirements</b>	<b>Federal Requirements</b> IDEA-2004: Section 614(d)(2)(C)
	<b>Rating: Implemented</b>	<b>District Response Required: No</b>

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

**LEGAL STANDARDS,  
COMPLIANCE RATINGS AND  
FINDINGS**

CRITERION NUMBER	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS II. STUDENT IDENTIFICATION AND PLACEMENT</b>
	<b>Legal Standard</b>
<b>MOA 3</b>	<p><b>Access to a full range of education programs</b> All students, regardless of race, color, sex, religion, national origin, sexual orientation, disability, or homelessness, have equal access 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, § 7; c. 76, § 5; 603 CMR 26.03</p>
	<b>Rating: Commendable</b> <span style="float: right;"><b>District Response Required: No</b></span>

**Department of Education Findings:**

*Documentation and staff interviews indicated that the district has integrated the community into the schools through activities during and after school. For example, the ESL teachers work with parents of English Language Learner students to develop English skills. During the summer Camp Treasure is offered to ELL students to maintain their English language development. The district offers programs through the Rebecca Amos Alternative program to reduce the number of students who drop out of school.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>MOA 4</b>	<p><b>Placement of female students, male students, homeless students, students with disabilities, and students from linguistic and racial/ethnic groups</b> Patterns of placement in district programs and services for female students, male students, homeless students, students with disabilities, and students from various linguistic and racial/ethnic groups are consistent with patterns of placement for other students. 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, § 7; c. 71B, § 6; c. 76, § 5; 603 CMR 26.03</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p><i>Note: If MOA 4 is rated “Partially Implemented” or “Not Implemented,” then MOA 4(1), MOA 4(2), and MOA 4(3) below will also receive a rating, which could be either “Implemented,” “Partially Implemented,” or “Not Implemented.” All findings for MOA 4 and its three parts will appear following the rating for MOA 4(3).</i></p> <p><i>If MOA 4 is rated “Implemented,” then MOA 4(1), MOA 4 (2), and MOA 4(3), being parts of MOA 4, will also be rated “Implemented.”</i></p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>
<b>MOA 4(1)</b>	<b>Patterns of placement in special education and related services for different racial and ethnic groups are consistent. If these patterns of placement are not consistent, the district is able to demonstrate that placements have been made for valid educational reasons.</b>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>
<b>MOA 4(2)</b>	<b>Patterns of identification as having a particular category of disability are consistent for different racial and ethnic groups. If these patterns of identification are not consistent, the district is able to demonstrate that identifications have been made for valid educational reasons.</b>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>
<b>MOA 4(3)</b>	<b>Patterns of placement in particular special education educational settings for different racial and ethnic groups are consistent. If these patterns of placement are not consistent, the district is able to demonstrate that placements have been made for valid educational reasons.</b>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 6</b>	<b>Availability of in-school programs for pregnant students</b> 1. Pregnant students are permitted to remain in regular classes and participate

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>in extracurricular activities with non-pregnant students throughout their pregnancy, and after giving birth are permitted to return to the same academic and extracurricular program as before the leave.</p> <p>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> <p>Title IX: 20 U.S.C. 1681; 34 CFR 106.40(b)</p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS III. PARENTAL INVOLVEMENT</b>
	<b>Legal Standard</b>
<b>MOA 7</b>	<p><b>Information to be translated into languages other than English</b> Announcements and notices being distributed to parents are translated into the major languages spoken by parents or guardians with limited English skills. When a community of residents with limited English language skills exists in the area served by a school or program, school or program recruitment and promotional materials are disseminated to them in their primary language.</p> <p><b>Title VI; EEOA: 20 U.S.C. 1703(f); M.G.L. c. 76, § 5; 603 CMR 26.02(2)</b></p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IV. CURRICULUM AND INSTRUCTION</b>
	<b>Legal Standard</b>
<b>MOA 7A</b>	<p><b>School year schedules</b></p> <p>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.</p> <p>2. The school district ensures that unless his or her IEP or Section 504</p>

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

<b>CRITERION NUMBER</b>		
	<b>Legal Standard</b>	
<b>MOA 7B</b>	<p><b>Structured learning time</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. The hours spent in any type of structured learning time are verified by the school district. Where the school district counts independent study</li> </ol>	



<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<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, § 1G; 603 CMR 27.02, 27.04</p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 7C</b>	<p><b>Early release of high school seniors</b>  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, § 1G; 603 CMR 27.05</p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 8</b>	<p><b>Accessibility of extracurricular activities</b>  Extracurricular activities sponsored by the district are nondiscriminatory in that:</p> <ol style="list-style-type: none"> <li>1. the school provides equal opportunity for all students to participate in intramural and interscholastic sports;</li> <li>2. extracurricular activities or clubs sponsored by the school do not exclude students on the basis of race, sex, color, religion, national origin, sexual orientation, disability, or homelessness.</li> </ol> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681; 34 CFR</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	106.31, 106.41; Section 504: 29 U.S.C. 794; 34 CFR 104.4,104.37(a), (c); Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title X, Part C, Sec. 721; Mass. Const. amend. art 114; M.G.L. c. 76, § 5; 603 CMR 26.06
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 9</b>	<p><b>Hiring and employment practices of prospective employers of students</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol> <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, § 5; 603 CMR 26.07(5)</p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS V. STUDENT SUPPORT SERVICES</b>
	<b>Legal Standard</b>
<b>MOA 10A</b>	<p><b>Student handbooks and codes of conduct</b></p> <ol style="list-style-type: none"> <li>1. <ol style="list-style-type: none"> <li>a) The district has a code of conduct for students and one for teachers.</li> <li>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.</li> <li>c) The principal of every school containing other grades distributes the district's student code of conduct to students, parents, and personnel annually.</li> <li>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.</li> </ol> </li> </ol>

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS V. STUDENT SUPPORT SERVICES</b>
	<b>Legal Standard</b>
	<p>2. Student codes of conduct contain:</p> <ul style="list-style-type: none"> <li>a) procedures assuring due process in disciplinary proceedings and</li> <li>b) appropriate procedures for the discipline of students with special needs and students with Section 504 Accommodation Plans.</li> </ul> <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"> <li>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;</li> <li>b) the school's procedure for accepting, investigating and resolving complaints alleging discrimination or harassment; and</li> <li>c) the disciplinary measures that the school may impose if it determines that harassment or discrimination has occurred.</li> </ul> <p>Section 504; M.G.L. c. 71, § 37H; 603 CMR 26.08</p>
	<p><b>Rating: Partially Implemented</b>                      <b>District Response Required: Yes</b></p>

**Department of Education Findings:**

*Documentation indicated that the student handbooks address requirements for discipline of students on IEPs rather than students with disabilities, resulting in excluding students on 504 Plans from disciplinary procedures that are required for any student with a disability. The student code of conduct does not delineate the measures that the school may impose if it determines that harassment or discrimination has occurred*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 11A</b>	<p><b>Designation of coordinator(s); grievance procedures</b></p> <ul style="list-style-type: none"> <li>1. The district has designated one or more staff persons to serve as coordinator(s) for compliance with its responsibilities under Title IX, Section 504, and (if it employs 50 or more persons) Title II.</li> <li>2. 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.</li> </ul> <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</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<b>Rating: Partially Implemented      District Response Required: Yes</b>

**Department of Education Findings:**

*Documentation indicated that the district does not publish the names and contact information for the coordinators of Title IX and Section 504.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 12A</b>	<p><b>Annual and continuous notification concerning nondiscrimination and coordinators</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ol> <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, § 5; 603 CMR 26.02(2)</p>
	<b>Rating: Implemented      District Response Required: No</b>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>MOA 13</b>	<p><b>Availability of information and academic counseling on general curricular and occupational/vocational opportunities</b>  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 academic 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, § 7; c. 76, § 5; 603 CMR 26.03</p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>MOA 14</b>	<p><b>Counseling and counseling materials free from bias and stereotypes</b>  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"> <li>1. encourage students to consider programs of study, courses, extracurricular activities, and occupational opportunities on the basis of individual interests, abilities, and skills;</li> <li>2. examine testing materials for bias and counteract any found bias when administering tests and interpreting test results;</li> <li>3. communicate effectively with limited-English-proficient and disabled students and facilitate their access to all programs and services offered by the district;</li> <li>4. provide limited-English-proficient students with the opportunity to receive guidance and counseling in a language they understand;</li> <li>5. support students in educational and occupational pursuits that are nontraditional for their gender.</li> </ol> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.36; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37; Title II: 42 U.S.C. 12132; 28 CFR 35.130, 35.160; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 721; Mass. Const. amend. art. 114;</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	M.G.L. c. 71A, § 7; c. 76, § 5; 603 CMR 26.04, 26.07(8)
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 15</b>	<p><b>Non-discriminatory administration of scholarships, prizes and awards</b>  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, § 5; 603 CMR 26.07(7)</p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 16</b>	<p><b>Notice to students 16 or over leaving school without a high school diploma, certificate of attainment, or certificate of completion</b></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>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<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, §§ 5, 18; St. 1965, c. 741</p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 17A</b>	<p><b>Use of physical restraint on any student enrolled in a publicly-funded education program</b></p> <ol style="list-style-type: none"> <li>1. The district has developed and implemented staff training at least annually on the use of restraint consistent with regulatory requirements. 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.</li> <li>2. The district administers physical restraint on students only when needed to protect a student and/or a member of the school community from imminent, serious, physical harm. The district implements restraint procedures consistent with Department of Education regulations in order to prevent or minimize any harm to the student as a result of the use of physical restraint.</li> <li>3. The district has developed written procedures regarding appropriate responses to student behavior that may require immediate intervention. Such procedures are annually reviewed and provided to school staff and made available to parents of enrolled students.</li> <li>4. The district has developed and implemented reporting requirements and procedures for administrators, parents and the Department of Education consistent with the regulations.</li> <li>5. The district has developed and implemented any applicable individual waiver procedures consistent with the regulations.</li> </ol> <p style="text-align: center;"><b>M.G.L. c. 71, § 37G; 603 CMR 46.00</b></p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION</b>
	<b>Legal Standard</b>
<b>MOA 18</b>	<p><b>Responsibilities of the school principal</b></p> <ol style="list-style-type: none"> <li>1. Instructional support. The principal in each of the district’s schools promotes instructional practices responsive to student needs and ensures that adequate instructional support is available for students and teachers. Instructional support includes remedial instruction for students, consultative services for teachers, availability of reading instruction at the elementary 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.</li> <li>2. 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></li> <li>3. 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.</li> <li>4. 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 considered special education unless the student has been determined eligible for such services, and the services include services on the student’s IEP.</li> </ol>



<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION</b>		
	<b>Legal Standard</b>		
	M.G.L. c. 71, § 38Q ½; 603 CMR 28.03(3)		
	<b>Rating: Implemented</b>	<b>District Response Required:</b>	<b>No</b>

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION</b>		
	<b>Legal Standard</b>		
<b>MOA 18A</b>	<p><b>School district employment practices</b>  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>		
	<b>Rating: Implemented</b>	<b>District Response Required:</b>	<b>No</b>

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
<b>MOA 20</b>	<p><b>Staff training on confidentiality of student records</b>  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, § 34H; 603 CMR 23.00, esp. 23.05(3)</p>		
	<b>Rating: Implemented</b>	<b>District Response Required:</b>	<b>No</b>

<b>CRITERION NUMBER</b>				
	<b>Legal Standard</b>			
<b>MOA 21</b>	<p><b>Staff training regarding civil rights responsibilities</b>  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, § 5; 603 CMR 26.00, esp. 26.07(2), (3)</p>			
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<b>Rating: Implemented</b>	<b>District Response Required:</b>	No		

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VII. SCHOOL FACILITIES</b>					
	<b>Legal Standard</b>					
<b>MOA 22</b>	<p><b>Accessibility of district programs and services for students with disabilities</b>  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; 603 CMR 28.03(1)(b)(1)</p>					
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<b>Rating: Implemented</b>	<b>District Response Required:</b>	No				

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 23</b>	<p><b>Comparability of facilities</b>  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"> <li>1. separate facilities for disabled, limited-English-proficient or pregnant students that are comparable to the facilities for other students in the district;</li> <li>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.</li> </ol>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	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)
	<b>Rating: Partially Implemented</b> <b>District Response Required:</b> Yes

**Department of Education Findings:**

*Classroom observations indicated that the classroom for ELL students is overcrowded and has little space for materials. The social skills classroom at Oak Bluffs School has limited instructional materials, no windows and is small. Shared spaces were found at Tisbury School and Oak Bluffs School where students with disabilities receive instruction, yet many of these students require a distraction-free environment.*

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VIII. PROGRAM PLAN AND EVALUATION</b>
	<b>Legal Standard</b>
<b>MOA 24</b>	<p><b>Curriculum review</b> The district ensures that individual teachers in the district review all educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, religion, national origin and sexual orientation. Appropriate activities, discussions and/or supplementary materials are used to provide balance and context for any such stereotypes depicted in such materials.</p> <p>M.G.L. c. 76, § 5; 603 CMR 26.05(2)</p>
	<b>Rating: Implemented</b> <b>District Response Required: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>MOA 25</b>	<p><b>Institutional self-evaluation</b> 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</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	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, § 7; c. 76, § 5; 603 CMR 26.07(1),(4)
	<b>Rating: Partially Implemented</b> <b>District Response Required: Yes</b>

**Department of Education Findings:**

*Documentation and staff interviews indicated that self- evaluation is not conducted annually.*

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (MOA) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IX. RECORD KEEPING</b>
	<b>Legal Standard</b>
<b>MOA 26A</b>	<p><b>Confidentiality and student records</b></p> <ol style="list-style-type: none"> <li>1. In accordance with federal and state requirements, the district protects the confidentiality of any personally identifiable information that it collects, uses or maintains.</li> <li>2. The district maintains and provides access to student records in accordance with federal and state requirements.</li> </ol> <p>FERPA: 20 U.S.C. § 1232g; 34 CFR Part 99; M.G.L. c. 71, § 34H; 603 CMR 23.05, 23.07</p>
	<b>Rating: Implemented</b> <b>District Response Required: No</b>

**ENGLISH LEARNER EDUCATION**

**LEGAL STANDARDS,  
COMPLIANCE RATINGS AND  
FINDINGS**

<b>CRITERION NUMBER</b>	<b>ENGLISH LEARNER EDUCATION I. ASSESSMENT OF STUDENT PROGRESS</b>
	<b>Legal Standard</b>
<b>ELE 1</b>	<p><b>Annual Assessment</b></p> <ol style="list-style-type: none"> <li>1. The district annually assesses the English proficiency of all limited English proficient (LEP) students.</li> <li>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"> <li>(a) the Massachusetts Comprehensive Assessment System (MCAS) in grades 3-12; and</li> <li>(b) the Massachusetts English Proficiency Assessment (MEPA) in grades 3-12, and the Massachusetts English Language Assessment – Oral (MELA-O) in grades K-12.</li> </ol> </li> </ol> <p style="text-align: center;">Authority: NCLB, Title I and Title III; M.G.L. c. 71A, § 7; 603 CMR 14.02</p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>ELE 2</b>	<p><b>MCAS</b></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: NCLB, Title I, Title VI; M.G.L. c. 69, § 1I; c. 71A, § 7</p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	<b>ENGLISH LEARNER EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT</b>
	<b>Legal Standard</b>
<b>ELE 3</b>	<p><b>Initial Identification</b></p> <p>The district uses qualified staff and appropriate procedures and assessments to identify students who are limited-English-proficient and to assess their level of</p>

<b>CRITERION NUMBER</b>	<b>ENGLISH LEARNER EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT</b>	
	<b>Legal Standard</b>	
	English proficiency in reading, writing, speaking, and listening.  Authority: Title VI; EEOA; M.G.L. c. 71A, §§ 4, 5; 603 CMR 14.02; M.G.L. c. 76, § 5; 603 CMR 26.03	
	<b>Rating: Implemented</b>	<b>District Response Required: No</b>

<b>CRITERION NUMBER</b>		
	<b>Legal Standard</b>	
<b>ELE 4</b>	<p><b>Waiver Procedures</b></p> <ol style="list-style-type: none"> <li>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>.</li> <li>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 an educationally recognized and legally permitted English language learner program other than a sheltered English immersion or two-way bilingual program. See 603 CMR 14.04 and ELE 5.</li> </ol> <p>Authority: M.G.L. c. 71A, § 5; 603 CMR 14.04(3)</p>	
	<b>Rating: Implemented</b>	<b>District Response Required: No</b>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>ELE 5</b>	<p><b>Program Placement and Structure</b>  The district places LEP students in</p> <ol style="list-style-type: none"> <li>a. “sheltered English immersion” (SEI) classrooms (SEI has two components, English as a Second Language (ESL)/English Language Development (ELD) instruction and sheltered content instruction as described in M.G.L. c. 71A, §§ 2 and 4); or</li> <li>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</li> <li>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, ESL; or</li> <li>d. (as a result of an approved waiver) bilingual education or another educationally recognized and legally permitted English language learner program, in which the students are taught all courses required by law and by the school district.</li> </ol> <ol style="list-style-type: none"> <li>1. Regardless of the program model, districts provide LEP students with content instruction that is based on the Massachusetts Curriculum Frameworks.</li> <li>2. Regardless of the program model, districts provide ESL/ELD instruction that is based on the English Language Proficiency Benchmarks and Outcomes.</li> <li>3. The district uses assessment data to plan and implement educational programs for students at different instructional levels.</li> </ol> <p style="text-align: center;">Authority: Title VI; EEOA; M.G.L. c. 71A, §§ 2, 4, 7</p>
	<p><b>Rating: Partially Implemented</b>                      <b>District Response Required: Yes</b></p>

**Department of Education Findings:**

*Documentation indicated that the educational program for limited English proficient (LEP) students is clearly described. The articulated description indicates that LEP students receive both direct English as a second language (ESL) instruction and sheltered content instruction, although some schools do not offer students more than 30 minutes a day of direct ESL instruction. ESL teachers are licensed in ESL. District submitted documents that outline classroom practices, assessment strategies, and service options for LEP students. However, there is no evidence of an established ESL curriculum for LEP students. Many content teachers of LEP students are not qualified to deliver sheltered content instruction; they have not completed professional development as described in the Commissioner’s Memorandum of June 2004.*



<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>ELE 6</b>	<p><b>Program Exit and Readiness</b></p> <p>1. The district does not re-designate a student from Limited English Proficient (LEP) to Formerly Limited English Proficient (FLEP) until he or she is deemed English proficient and can participate meaningfully in all aspects of the district's general education program without the use of adapted or simplified English materials.</p> <p>2. Districts do not limit or cap the amount of time in which an LEP student can remain in a language support program. An LEP student only exits from such a program after he or she is determined to be proficient in English.</p> <p style="text-align: center;">Authority: Title VI; EEOA; M.G.L. c. 71A, § 4</p>
	<p><b>Rating: Partially Implemented</b>                      <b>District Response Required: Yes</b></p>

**Department of Education Findings:**

*Documentation indicated that the district has an exit form with spaces to note the student's most recent MELA-O, MCAS, MEPA, and LAS R/W scores, but does not indicate minimum scores suggested before re-designating an LEP student as FLEP. Standards for re-designation are unclear. The district has a monitoring form, which suggests that LEP students are monitored after re-designation. However, this form does not identify the supports in place if a FLEP student is not successful in the "mainstream" classroom.*

<b>CRITERION NUMBER</b>	<b>ENGLISH LEARNER EDUCATION III. PARENTAL INVOLVEMENT</b>
	<b>Legal Standard</b>
<b>ELE 7</b>	<p><b>Parent Involvement</b></p> <p>The district develops ways to include parents or guardians of LEP students in matters pertaining to their children's education.</p> <p style="text-align: center;">Authority: Title VI; EEOA</p>
	<p><b>Rating: Commendable</b>                                      <b>District Response Required: No</b></p>

**Department of Education Findings:**

*Documentation, staff interviews and parent interviews indicated that: high school parents participate in regularly scheduled coffee; the district sponsors cultural evenings for families; one individual at each school speaks Portuguese; oral translations are documented in the student's record; and one principal spent two summers learning Portuguese language and culture in order to welcome students and communicate with parents.*

<b>CRITERION NUMBER</b>	<b>ENGLISH LEARNER EDUCATION IV. CURRICULUM AND INSTRUCTION</b>	
	<b>Legal Standard</b>	
<b>ELE 8</b>	<p><b>Declining Entry to a Program</b>  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 style="text-align: center;">Authority: Title VI; EEOA; M.G.L. c. 71, §38Q1/2</p>	
	<b>Rating: Implemented</b>	<b>District Response Required: No</b>

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

<b>CRITERION NUMBER</b>		
	<b>Legal Standard</b>	
<b>ELE 10</b>	<p><b>Parental Notification</b></p> <ol style="list-style-type: none"> <li>1. Upon placement in any ELE program, and annually thereafter, 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"> <li>(a) the reasons for identification of the student as Limited English Proficient (LEP);</li> </ol> </li> </ol>	

CRITERION NUMBER	
	<b>Legal Standard</b>
	<p>(b) the child’s level of English proficiency;</p> <p>(c) program placement and/or the method of instruction used in the program;</p> <p>(d) how the program will meet the educational strengths and needs of the student;</p> <p>(e) how the program will specifically help the child learn English;</p> <p>(f) the specific exit requirements; and</p> <p>(g) the parents’ right to apply for a waiver (see ELE 4), or to decline to enroll their child in the program (see ELE 8).</p> <p>(All districts need to comply with a-c and g. Title III districts must comply with a-g. Title III districts must send parental notification no later than 30 days after the beginning of the school year.)</p> <p>2. The district provides to parents and guardians of LEP students, report cards, and progress reports in the same manner and with the same frequency as general education reporting. The reports are, to the maximum extent possible, written in a language understandable to the parent/guardian.</p> <p>Authority: NCLB, Title III; M.G.L. c. 71A, § 7; 603 CMR 14.02</p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: Yes</b></span></p>

**Department of Education Findings:**

*Student records and documentation indicated that the district did not include the level of English proficiency for students determined to be English Language Learners. The district recently revised the parent notification form to include the level of English proficiency and a brochure that fully describes the waiver process.*

CRITERION NUMBER	<b>ENGLISH LEARNER EDUCATION V. STUDENT SUPPORT SERVICES</b>
	<b>Legal Standard</b>
<b>ELE 11</b>	<p><b>Equal Access to Academic Programs and Services</b></p> <ol style="list-style-type: none"> <li>1. The districts does not segregate LEP students from their English-speaking peers, except where programmatically necessary, to implement an English learner education program.</li> <li>2. The district ensures that LEP students participate fully with their English-speaking peers and are provided support in non-core academic courses.</li> <li>3. The district ensures that LEP students have the opportunity to receive support services, such as guidance and counseling, in a language that the student understands.</li> </ol>

CRITERION NUMBER	ENGLISH LEARNER EDUCATION V. STUDENT SUPPORT SERVICES		
	<b>Legal Standard</b>		
	<p>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.</p> <p>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.</p> <p>6. Reserved</p> <p>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> <p><b>Authority: Title VI; EEOA; M.G.L. c. 71, § 38Q1/2; 603 CMR 28.03(3)(a); c. 71A, § 7; c. 76, § 5; 603 CMR 26.03; 603 CMR 26.07(8)</b></p>		
	<b>Rating: Implemented</b>	<b>District Response Required:</b>	No

CRITERION NUMBER			
	<b>Legal Standard</b>		
<b>ELE 12</b>	<p><b>Equal Access to Nonacademic and Extracurricular Programs</b> 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>Authority: Title VI; EEOA; M.G.L. c. 76, § 5; 603 CMR 26.06(2)</p>		
	<b>Rating: Implemented</b>	<b>District Response Required:</b>	No

CRITERION NUMBER			
	<b>Legal Standard</b>		
<b>ELE 13</b>	<p><b>Follow-up Support</b> The district actively monitors students who have exited an English learner</p>		

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
	education program for two years and provides language support services to those students, if needed.  <b>Authority: Title VI; EEOA; NCLB, Title III</b>		
	<b>Rating: Implemented</b>	<b>District Response Required:</b>	No

<b>CRITERION NUMBER</b>	<b>ENGLISH LEARNER EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION</b>		
	<b>Legal Standard</b>		
<b>ELE 14</b>	<b>Licensure Requirements</b> <ol style="list-style-type: none"> <li>1. Reserved.</li> <li>2. Teachers and educational staff 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.</li> <li>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.</li> <li>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.</li> </ol> <b>Authority: Title VI; EEOA; M.G.L. c. 71, § 38G; St. 2002, c. 218, § 25</b>		
	<b>Rating: Partially Implemented</b>	<b>District Response Required:</b>	<b>Yes</b>

**Department of Education Findings:**

*Documentation indicated that all teachers providing ESL instruction are licensed in ESL. Many teachers at the elementary level have completed at least two of the required four categories of professional development focused on the skills and knowledge required to shelter content instruction for LEP students. However, few content teachers at the secondary level have completed such training. Martha's Vineyard's ELE Director is employed for one half-time and has an ESL license, but does not possess a Supervisor/Director license.*

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
<b>ELE 15</b>	<p><b>Professional Development Requirements</b>  District schools with LEP students implement a professional development plan that provides teachers and administrators with high quality training, as prescribed by the Department, 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 style="text-align: center;">Authority: NCLB, Title III</p>		
	<b>Rating: Partially Implemented</b>	<b>District Response Required:</b>	<b>Yes</b>

**Department of Education Findings:**

*Documentation indicated that in the Strategic Plan for SEI Professional Development 2006-2007, the district indicates which groups of teachers will be targeted for professional development and who will provide this professional development for the 06-07 school year.*

<b>CRITERION NUMBER</b>	<b>ENGLISH LEARNER EDUCATION VII. SCHOOL FACILITIES</b>		
	<b>Legal Standard</b>		
<b>ELE 16</b>	<p><b>Equitable Facilities</b>  The district ensures that LEP students are provided facilities, materials and services comparable to those provided to the overall student population.</p> <p style="text-align: center;">Authority: Title VI; EEOA; M.G.L. c. 76, § 5; 603 CMR 26.07</p>		
	<b>Rating: Partially Implemented</b>	<b>District Response Required:</b>	<b>Yes</b>

**Department of Education Findings:**

*Classroom observation indicated that the high school room used for English Language Development is not comparable to other instructional spaces because the instructional group size and required instructional materials cannot be accommodated in the current room.*

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VIII. PROGRAM PLAN AND EVALUATION
	<b>Legal Standard</b>
<b>ELE 17</b>	<p><b>Program Evaluation</b> The district conducts periodic evaluations of the effectiveness of its ELE program in developing students' English language skills and increasing their ability to participate meaningfully in the educational program. Where the district documents that the program is not effective, it takes steps to make appropriate program adjustments or changes that are responsive to the outcomes of the program evaluation.</p> <p style="text-align: center;">Authority: Title VI; EEOA</p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span></p>

CRITERION NUMBER	ENGLISH LEARNER EDUCATION IX. RECORD KEEPING
	<b>Legal Standard</b>
<b>ELE 18</b>	<p><b>Records of LEP Students</b> LEP student records include:</p> <ul style="list-style-type: none"> <li>(a) home language survey;</li> <li>(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;</li> <li>(c) information about students' previous school experiences;</li> <li>(d) copies of parent notification letters, progress reports and report cards (in the native language, if necessary);</li> <li>(e) evidence of follow-up monitoring (if applicable);</li> <li>(f) documentation of a parent's consent to "opt-out" of English learner education, if applicable;</li> <li>(g) waiver documentation, if applicable; and</li> <li>(h) Individual Student Success Plans for students who have failed MCAS, if the district is required to complete plans for non-LEP students.</li> </ul> <p style="text-align: center;">Authority: Title VI; EEOA; M.G.L. c. 69, § 1I; c. 71A, §§ 5, 7; 603 CMR 14.02, 14.04</p>

<b>CRITERION NUMBER</b>	<b>ENGLISH LEARNER EDUCATION IX. RECORD KEEPING</b>
	<b>Legal Standard</b>
	<b>Rating: Partially Implemented                      District Response Required: Yes</b>

**Department of Education Findings:**

*Student records indicated that the information in the record was not consistent across schools and not consistent with the requirements. Specifically, the records did not always include information on the student's prior school experience, appropriate parent notification, copies of progress reports and report cards, or evidence of follow-up monitoring.*



**CAREER/VOCATIONAL TECHNICAL  
EDUCATION**

**LEGAL STANDARDS,  
COMPLIANCE RATINGS AND  
FINDINGS**

CRITERION NUMBER	CAREER/VOCATIONAL TECHNICAL EDUCATION I. ASSESSMENT OF STUDENTS	
	<b>Legal Standard</b>	
<b>CVTE 1</b>	Appropriate career interest, and career aptitude assessments are administered to students who are admitted to career/vocational technical education programs during the early part of their first year in the program. <i>Perkins Section 135, Vocational Technical Education Regulations 603 CMR 4.03(4)</i>	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

**Department of Education Findings:**

*Documentation and interviews indicate that appropriate career interest, and career aptitude assessments are not administered to students who are admitted to career/vocational technical education programs during the early part of their first year in the program. The district administers a career interest inventory (My Road) during grade 11. Consequently, the assessment is not administered during the early part of the student's first year in a career/vocational technical education program.*

CRITERION NUMBER		
	<b>Legal Standard</b>	
<b>CVTE 2</b>	MCAS and/or another appropriate academic assessment, career interest and career aptitude assessment results are used in developing each student's individual Career Plan during the early part of each student's first year in the program. <i>Perkins Section 135, Vocational Technical Education Regulations 603 CMR 4.03(4)</i>	
	<b>Rating: Not Implemented</b>	<b>District Response Required: Yes</b>

**Department of Education Findings:**

*Documentation and interviews reveal that appropriate academic assessments, career interest, and career aptitude assessment results are not used in developing Career Plans. (See CVTE 1.)*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CVTE 3</b>	Methods of measuring the acquisition by students of safety & health, technical, academic (including embedded academic), employability, management & entrepreneurship, and technological knowledge and skills are appropriate. <i>M.G.L. c.74 Section 2, Perkins Section 135, Vocational Technical Education Regulations 603 CMR 4.03 (4)</i>
	<b>Rating: Partially Implemented</b> <b>District Response Required: Yes</b>

**Department of Education Findings:**

*Documentation and interviews indicate methods of measuring the acquisition by students of safety and health, technical, academic (including embedded academic), employability, management and entrepreneurship, and technological knowledge and skills are not adequate.*

<b>CRITERION NUMBER</b>	<b>CAREER/VOCATIONAL TECHNICAL EDUCATION II. STUDENT IDENTIFICATION AND PROGRAM PLACEMENT</b>
	<b>Legal Standard</b>
<b>CVTE 4</b>	Information concerning career/vocational technical education programs is provided to students and to their parents/guardians at least once a year before students enter the programs, and in no case later than the beginning of the ninth grade. Such information shall include: the opportunities available in career/vocational technical education; eligibility requirements for enrollment in career/vocational technical programs; specific programs/courses that are available; employment and/or further education and registered apprenticeship opportunities. <i>Perkins Section 135, Vocational Technical Education Regulations 603 CMR 4.03 (4) (6 (7), Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act of 1990, IDEA 2004: the Individuals with Disabilities Education Act of 2004, Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974, Section 504 of the Rehabilitation Act of 1973, the No Child Left Behind Act of 2001, Article CXIV of the Amendments to the Massachusetts Constitution.</i>
	<b>Rating: Implemented</b> <b>District Response Required: No</b>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>CVTE 5</b>	<p>All individuals including those who are members of special populations (that includes individuals with disabilities; individuals from economically disadvantaged families (including foster children); individuals with limited English proficiency, individuals that would prepare for careers that are nontraditional for their gender, single parents (including single pregnant students) are provided with equal access to recruitment activities, admission and the full range of programs of study without regard to race, color, gender, religion, national origin, English language proficiency, disability, and sexual orientation. <i>Perkins Sections 3 &amp; 135, Vocational Technical Education Regulations 603 CMR 4.03(4)(6 (7), Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act of 1990, IDEA 2004: the Individuals with Disabilities Education Act of 2004, Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974, Section 504 of the Rehabilitation Act of 1973, the No Child Left Behind Act of 2001, Article CXIV of the Amendments to the Massachusetts Constitution, M.G.L. c. 76 Section 5.</i></p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span></p>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>CVTE 6</b>	<p>Individuals are appropriately admitted to the school (if applicable) and/or to career/vocational technical education programs within the school. <i>Perkins Section 135, Vocational Technical Education Regulations 603 CMR 4.03(4), Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act of 1990, IDEA 2004: the Individuals with Disabilities Education Act of 2004, Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974, Section 504 of the Rehabilitation Act of 1973, the No Child Left Behind Act of 2001, Article CXIV of the Amendments to the Massachusetts Constitution, M.G.L. c. 76 Section 5.</i></p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CVTE 7</b>	The programs in which students are enrolled meet the Perkins Act definition of career and technical education and are of such size, scope and quality to be effective. <i>Perkins Sections 3 &amp; 135</i>
	<b>Rating: Partially Implemented                      District Response Required:      Yes</b>

**Department of Education Findings:**

*Documentation and interviews indicate that career/vocational and technical education programs do not fully possess the following elements that would be needed to consider the programs of such size, scope and quality to be effective:*

- *The knowledge and skills to be acquired by students in programs have not been published and disseminated to students and parents/guardians;*
- *Each program does not include integrated academic and technical instruction; and*

*Some students who are enrolled in Chapter 74-approved vocational technical education programs enroll in the courses as electives. Consequently, students who enroll in these courses as electives do not receive the full scope of the program.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CVTE 8</b>	The school accurately reports students enrolled in career/vocational technical education programs in the Department of Education’s Student Information Management System (SIMS). <i>Perkins Section 113, Vocational Technical Education Regulations 603 CMR 4.05</i>
	<b>Rating: Partially Implemented                      District Response Required:      Yes</b>

**Department of Education Findings:**

*Documentation and interviews indicate that the school does not accurately report students enrolled in career/vocational technical education programs in the Department of Education’s Student Information Management System (SIMS). SIMS data reflects students enrolled in individual courses at the time of reporting rather than reflecting students enrolled in programs. SIMS data shows a significant number of students who may be identified inaccurately as Hawaiian Islanders.*

CRITERION NUMBER	CAREER/VOCATIONAL TECHNICAL EDUCATION III. PARENT AND COMMUNITY INVOLVEMENT
	<b>Legal Standard</b>
<b>CVTE 9</b>	Representatives of local business/industry, organized labor, registered apprenticeship programs, postsecondary institutions, special populations, parents/guardians, students, teachers and other appropriate individuals are involved in the development, implementation, and review of career/vocational technical programs. <i>Perkins Section 135, M.G.L. c.74 Section 6, Vocational Technical Education Regulations 603 CMR 4.03 (1)</i>
	<b>Rating: Partially Implemented</b> <b>District Response Required: Yes</b>

**Department of Education Findings:**

*Documentation and interviews indicate that representatives of postsecondary institutions are not appropriately involved in the development, implementation, and review of career/vocational technical programs. There is no representation of postsecondary institutions on the school's program advisory committees.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>CVTE 10</b>	A Career Plan for each student enrolled in career/vocational technical education programs is developed with the involvement of parents/guardians. <i>Perkins Sections 134 &amp; 135, Vocational Technical Education Regulations 603 CMR 4.03(4)</i>
	<b>Rating: Partially Implemented</b> <b>District Response Required: Yes</b>

**Department of Education Findings:**

*Documentation and interviews indicate that a Career Plan for each student enrolled in career/vocational technical education programs is not developed with the involvement of parents/guardians. The district is in the process of implementing a career-planning system using the Massachusetts Department of Education template, but this implementation is not yet complete.*

CRITERION NUMBER	CAREER/VOCATIONAL TECHNICAL EDUCATION IV. CURRICULUM AND INSTRUCTION
	<b>Legal Standard</b>
<b>CVTE 11</b>	Programs are structured so that students acquire occupational safety & health knowledge and skills. Perkins Section 135, M.G.L. c. 74 Section 2, Vocational Technical Education Regulations 603 CMR 4.03 (4) 4.06
	<b>Rating: Implemented</b> <b>District Response Required: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CVTE 12</b>	Programs are structured so that students acquire technical knowledge and skills. <i>Perkins Section 135, M.G.L. c. 74 Section 2, Vocational Technical Education Regulations 603 CMR 4.03 (4) 4.06</i>
	<b>Rating: Implemented</b> <b>District Response Required: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CVTE 13</b>	Programs are structured so that students acquire academic (including embedded academic) knowledge and skills. <i>Perkins Section 135, M.G.L. c. 74 Section 2, Vocational Technical Education Regulations 603 CMR 4.03 (4) 4.06</i>
	<b>Rating: Partially Implemented</b> <b>District Response Required: Yes</b>

**Department of Education Findings:**

*Documentation and interviews indicate that programs are not structured so that students acquire academic (including embedded academic) knowledge and skills, nor is there a system in place for ensuring implementation of embedded academics.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CVTE 14</b>	Programs are structured so that students acquire employability knowledge and skills. <i>Perkins Section 135, M.G.L. c. 74 Section 2, Vocational Technical Education Regulations 603 CMR 4.03 (4) 4.06</i>
	<b>Rating: Partially Implemented</b> <b>District Response Required: Yes</b>

**Department of Education Findings:**

*Documentation and interviews indicate that programs are not structured so that students acquire employability knowledge and skills. There is evidence of employability knowledge and skills instruction in some, but not all, career/vocational technical education programs. The district is in the process of developing a uniform method of teaching employability knowledge and skills to every student in career/vocational technical education programs, but this is not yet implemented.*

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
<b>CVTE 15</b>	Programs are structured so that students acquire management & entrepreneurship knowledge and skills. <i>Perkins Section 135, M.G.L. c. 74 Section 2, Vocational Technical Education Regulations 603 CMR 4.03 (4) 4.06</i>		
	<b>Rating: Partially Implemented</b>	<b>District Response Required:</b>	<b>Yes</b>

**Department of Education Findings:**

*Documentation and interviews indicate that programs are not structured so that students acquire management and entrepreneurship knowledge and skills. There is evidence of management and entrepreneurship knowledge and skills instruction in some, but not all, career/ vocational technical education programs. The district is in the process of developing a uniform method of teaching management & entrepreneurship knowledge and skills to every student on career vocational technical education programs, but this is not yet fully implemented.*

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
<b>CVTE 16</b>	Programs are structured so that students acquire technological (computer, etc.) knowledge and skills. <i>Perkins Section 135, M.G.L. c. 74 Section 2, Vocational Technical Education Regulations 603 CMR 4.03 (4) 4.06</i>		
	<b>Rating: Implemented</b>	<b>District Response Required:</b>	<b>No</b>

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
<b>CVTE 17</b>	Linkages between secondary and postsecondary education including registered apprenticeship programs exist and are accessed by students. <i>M.G.L.c.74 Sections 1 &amp; 24B, Perkins Title II, Vocational Technical Education Regulations 603 CMR 4.03 (4)</i>		
	<b>Rating: Partially Implemented</b>	<b>District Response Required:</b>	<b>Yes</b>

**Department of Education Findings:**

*Documentation and interviews indicate that linkages between secondary and postsecondary education including registered apprenticeship programs do not exist. Many students registered in Tech-Prep do not have a Career Plan. One program has no articulation agreements. Also, the Accuplacer exam is not provided to all Tech-Prep students.*



CRITERION NUMBER	
	<b>Legal Standard</b>
<b>CVTE 18</b>	Cooperative Education is implemented in accordance with applicable laws, regulations and policies. <i>Child Labor Bulletin 101 – Child Labor Requirements in Nonagricultural Occupations under the Fair Labor Standards Act WH – Revised March 2001, Code of Federal Regulations Title 29 (CFR 29) Parts 570.50 (c) (1) &amp; 570.51-570.68, M.G.L. c. 74 Sections 1 &amp; 2A, M.G.L. c.149, Sections 1, 62 &amp; 62A, M.G.L. c. 152, Vocational Technical Education Regulations 603 CMR 4.03(7) 4.10(3), (Chapter 385 of the Acts of 2002</i>
	<b>Rating: Not Applicable</b> <b>District Response Required: No</b>

**Department of Education Findings:**

*The district does not provide cooperative education.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>CVTE 19</b>	Non-cooperative education (unpaid) work-based learning such as internships and job-shadowing is implemented in accordance with applicable laws, regulations and policies. <i>Perkins Section 135, M.G.L. c. 74 Section 2A, M.G.L. c. 152, Vocational Technical Education Regulations 603 CMR 4.03(4), Chapter 385 of the Acts of 2002</i>
	<b>Rating: Partially Implemented</b> <b>District Response Required: Yes</b>

**Department of Education Findings:**

*Documentation and interviews indicate that non-cooperative education (unpaid) work-based learning such as internships and job shadowing is not implemented in accordance with applicable laws, regulations and policies. The district does not measure or report the knowledge and skills acquired by students who participate in non-cooperative education (unpaid) work-based learning such as internships and job shadowing. Worksite agreements do not include technical knowledge and skills to be acquired by students.*

CRITERION NUMBER	
<b>CVTE 20</b>	Unpaid off-campus construction and maintenance projects are appropriately implemented. <i>Vocational Technical Education Regulations 603 CMR 4.06</i>
	<b>Legal Standard</b>
	<b>Rating: Implemented</b> <b>District Response Required: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CVTE 21</b>	The needs of students in alternative career/vocational technical education programs are adequately addressed. <i>Perkins Section 122</i>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	<b>CAREER/VOCATIONAL TECHNICAL EDUCATION V. STUDENT SUPPORT SERVICES</b>
	<b>Legal Standard</b>
<b>CVTE 22</b>	Services exist that support each student with a disability in the completion of career/vocational technical education programs, and placement in employment and/or further education and registered apprenticeship programs. <i>Vocational Technical Education Regulations 603 CMR 4.03(4), Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act of 1990, IDEA 2004: the Individuals with Disabilities Education Act of 2004, Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974, Section 504 of the Rehabilitation Act of 1973, the No Child Left Behind Act of 2001, Article CXIV of the Amendments to the Massachusetts Constitution, M.G.L. c. 76 Section 5</i>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CVTE 23</b>	Services exist that support each student from an economically disadvantaged family (including foster children) in the completion of career/vocational technical education programs, and placement in employment and/or further education and registered apprenticeship programs. <i>Vocational Technical Education Regulations 603 CMR 4.03(4), Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act of 1990, IDEA 2004: the Individuals with Disabilities Education Act of 2004, Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974, Section 504 of the Rehabilitation Act of 1973, the No Child Left Behind Act of 2001, Article CXIV of the Amendments to the Massachusetts Constitution, M.G.L. c. 76 Section 5</i>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>CVTE 24</b>	<p>Services exist that support each student with limited English proficiency in the completion of career/vocational technical education programs, and placement in employment and/or further education and registered apprenticeship programs. <i>Vocational Technical Education Regulations 603 CMR 4.03(4), Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act of 1990, IDEA 2004: the Individuals with Disabilities Education Act of 2004, Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974, Section 504 of the Rehabilitation Act of 1973, the No Child Left Behind Act of 2001, Article CXIV of the Amendments to the Massachusetts Constitution, M.G.L. c. 76 Section 5</i></p>
	<p><b>Rating: Partially Implemented</b>                      <b>District Response Required: Yes</b></p>

**Department of Education Findings:**

*Documentation and interviews indicate that services that support each student with limited English proficiency in the completion of career/vocational technical education programs, and placement in employment and/or further education and registered apprenticeship programs, are not completely implemented. Many, but not all, materials for students and parents/guardians have been translated into the native language of limited English proficient households. Bilingual support in shop is available only from fellow students. The school is translating some of the programs' key technical terms into Portuguese, but this is not yet completed.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>CVTE 25</b>	<p>Services exist that support each student that is preparing for a career that would be nontraditional for their gender in the completion of career/vocational technical education programs, and placement in employment and/or further education and registered apprenticeship programs. <i>Vocational Technical Education Regulations 603 CMR 4.03(4), Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act of 1990, IDEA 2004: the Individuals with Disabilities Education Act of 2004, Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974, Section 504 of the Rehabilitation Act of 1973, the No Child Left Behind Act of 2001, Article CXIV of the Amendments to the Massachusetts Constitution, M.G.L. c. 76 Section 5</i></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<b>Rating: Partially Implemented      District Response Required:      Yes</b>

**Department of Education Findings:**

*Documentation and interviews indicate that the district does not provide ongoing support for students in preparing for a career that would be nontraditional for their gender in the completion of career/vocational technical education programs. The district does not provide support prior to or during students' exploratory experience through identification of role models, speakers, counseling or other activities that might encourage students to consider careers that would be nontraditional for their gender.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CVTE 26</b>	Services exist that support each student that is a single parent (including a single pregnant student) in the completion of career/vocational technical education programs, and placement in employment and/or further education and registered apprenticeship programs. <i>Vocational Technical Education Regulations 603 CMR 4.03(4), Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act of 1990, IDEA 2004: the Individuals with Disabilities Education Act of 2004, Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974, Section 504 of the Rehabilitation Act of 1973, the No Child Left Behind Act of 2001, Article CXIV of the Amendments to the Massachusetts Constitution, M.G.L. c. 76 Section 5</i>
	<b>Rating: Implemented      District Response Required:      No</b>

<b>CRITERION NUMBER</b>	<b>CAREER/VOCATIONAL TECHNICAL EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION</b>
	<b>Legal Standard</b>
<b>CVTE 27</b>	All staff in career/vocational technical education programs are appropriately licensed. Perkins Section 135, M.G.L. c. 74 Section 18, Vocational Technical Education Regulations 603 CMR 4.03 (5) 4.07 and M.G.L. c. 71 Section 38G, Regulations for Educator Licensure and Preparation Program Approval 603 CMR 7.00, No Child Left Behind Act
	<b>Rating: Partially Implemented      District Response Required:      Yes</b>

**Department of Education Findings:**

*Documentation and interviews revealed that all staff in career/vocational technical education programs are not appropriately licensed. One of the current technical teachers is not licensed.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CVTE 28</b>	All staff in career/vocational technical education programs participates in professional development. <i>Section 135, Vocational Technical Education Regulations 603 CMR 4.03 (5) 4.07 and M.G.L. c. 71 Section 38G, Regulations for Educator Licensure and Preparation Program Approval 603 CMR 7.00, No Child Left Behind Act</i>
	<b>Rating: Partially Implemented</b> <b>District Response Required: Yes</b>

**Department of Education Findings:**

*Documentation shows that all staff in career/vocational technical education programs do not participate in appropriate professional development as required by the Vocational Technical Education Regulations. One professional development plan was signed by the individual, but not by the individual's supervisor. Teachers' records of professional development activities do not correspond to teachers' stated growth goals. Some professional development would not be acceptable towards license renewal according to current Massachusetts Department of Education policy.*

<b>CRITERION NUMBER</b>	<b>CAREER/VOCATIONAL TECHNICAL EDUCATION VII. SCHOOL FACILITIES AND EQUIPMENT</b>
	<b>Legal Standard</b>
<b>CVTE 29</b>	Instructional facilities meet current occupational standards. Perkins Section 135; Vocational Technical Education Regulations 603 CMR 4.03 (3) (4) (7)(8)
	<b>Rating: Implemented</b> <b>District Response Required: No</b>

<b>CRITERION NUMBER</b>	<b>CAREER/VOCATIONAL TECHNICAL EDUCATION VII. SCHOOL FACILITIES AND EQUIPMENT</b>
	<b>Legal Standard</b>
<b>CVTE 30</b>	Instructional equipment meets current occupational standards. <i>Perkins Section 135, Vocational Technical Education Regulations 603 CMR 4.03 (3)(4)(7)(8)</i>
	<b>Rating: Implemented</b> <b>District Response Required: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CVTE 31</b>	Instructional facilities meet current safety and health standards. <i>Perkins Section 135, Vocational Technical Education Regulations 603 CMR 4.03 (3)(4)(7)(8)</i>
	<b>Rating: Partially Implemented                      District Response Required:      Yes</b>

**Department of Education Findings:**

*Safety experts from the Massachusetts Department of Labor - Division of Occupational Safety (DOS) inspected the school facilities. The inspection was part of the Coordinated Program Review conducted by the Department of Education. On May 29, 2007 the Safety Survey Report on the inspections was sent to Superintendent Weiss. Thirty-seven safety hazards are identified in the report. Of the 37, 12 require immediate corrective action (report items # 003, 004, 009, 010, 020, 021, 022, 024, 025, 026, 031 and 033). In addition, notice was given that corrective action on the remaining 25 items should begin.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CVTE 32</b>	Instructional equipment meets current safety and health standards. <i>Perkins Section 135, Vocational Technical Education Regulations 603 CMR 4.03 (3)(4)(7)(8)</i>
	<b>Rating: Partially Implemented                      District Response Required:      Yes</b>

**Department of Education Findings:**

*Refer to CVTE 31*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CVTE 33</b>	Instructional facilities meet the requirements regarding accessibility contained in the federal <u><i>Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap.</i></u>  Please refer to the <u>Civil Rights Methods of Administration and Other General Education Requirements (MOA)</u> criteria that are a component of the Coordinated Program Review.
	<b>Rating: Implemented                                      District Response Required:      No</b>

CRITERION NUMBER	CAREER/VOCATIONAL TECHNICAL EDUCATION VIII. PROGRAM EVALUATION
	<b>Legal Standard</b>
<b>CVTE 34</b>	The school meets the required the Perkins Act Core Indicator of Performance outcomes and the required Chapter 74 outcomes. <i>Perkins Section 113, Vocational Technical Education Regulations 603 CMR 4.05</i>
	<b>Rating: Partially Implemented                      District Response Required:      Yes</b>

**Department of Education Findings:**

**Perkins Core Indicator I: MCAS results for the class of 2007 First Time 10<sup>th</sup> Grade Test Takers:**

*For school year 2006-2007, the district met the state goal of 51.44% for Core Indicator I for all students enrolled in career/vocational technical education programs except for those students who are limited English proficient.*

- **0.00%** of students with limited English proficiency achieved “needs improvement” English language arts and mathematics on the first try.

**Perkins Core Indicator II: Attainment of a Secondary School Diploma:** *The district did not meet the state goal of 93.15% for Core Indicator II for three groups.*

- **88.46%** of all students enrolled in career and technical education programs attained a secondary school diploma.
- **87.18%** of students enrolled in career/vocational technical education programs who are students with disabilities attained a secondary school diploma.
- **0.00%** of students enrolled in career/vocational technical education programs who are students with limited English proficiency attained a secondary school diploma.

**Perkins Core Indicator III: Positive Placement:**

*The district did not meet the state goal of 95.96% for Core Indicator III for students with disabilities.*

- **92.86%** of students with disabilities attained Positive Placement.

**Perkins Core Indicator IV-A: - Student participation in career/vocational technical education programs that would prepare them for careers that are nontraditional for their gender.**

*The district did not meet the state goal of 10.85% for Core Indicator IV-A.*

- The district attained an enrollment rate of **9.43%**.

**Perkins Core Indicator IV-B: Student completion of career/vocational technical education programs that would prepare them for careers that are nontraditional for their gender.**

*The district did not meet the state goal of 11.00% for Core Indicator IV-A.*

- The district attained a completion rate of **4.08%**.

*The district did not meet the Chapter 74 placement goal of 70% for the following programs:*

*Culinary Arts: **66.67%***

*Carpentry: **63.64%***

*Auto Tech: **60.00%***

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CVTE 35</b>	The school uses the Perkins Act Core Indicator of Performance outcomes and Chapter 74 outcomes to improve programs. <i>Perkins Section 113, Vocational Technical Education Regulations 603 CMR 4.05</i>
	<b>Rating: Partially Implemented                      District Response Required:      Yes</b>

**Department of Education Findings:**

*Interviews revealed that the district does review Core Indicator performance to develop improvement plans, but the district has not shown improvement in performance as a result of these plans. In addition, there was no evidence of implementation of the following strategies, identified as improvement plans in the FY 07 Local Plan Update for Core Indicator 2, Completion of Secondary Education:*

- *The district did not develop a process to identify students at risk of dropping out and*
- *The school did not show evidence of requiring systems of extra help for students.*

**For Core Indicator 4A, Nontraditional Enrollment:**

*No support group was established to assist students who are enrolled in programs that would prepare them for careers nontraditional for their gender.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CVTE 36</b>	The school regularly evaluates curricula, teaching, services, as well as policies and procedures for career/vocational technical education. <i>Perkins Section 134, Vocational Technical Education Regulations 603 CMR 4.03 (1)</i>
	<b>Rating: Partially Implemented                      District Response Required:      Yes</b>

**Department of Education Findings:**

*Documentation and interviews indicate that, although the school evaluates curricula, teaching, policies and procedures for career/vocational technical education, there are no procedures to evaluate services for single parents, English language learners, or students enrolled in career and technical education programs that would prepare them for careers that would be nontraditional for their gender.*



CRITERION NUMBER	CAREER/VOCATIONAL TECHNICAL EDUCATION IX. RECORDKEEPING AND FUND USE
	Legal Standard
CVTE 37	Student records contain the items listed in the Student Record Review Checklist. <i>Perkins Sections 5 &amp; 113, Vocational Technical Education Regulations 603 CMR 4.03 (4)(c)(d), Student Records Regulations 603 CMR 23.00.</i>
	<b>Rating: Not Implemented</b> <b>District Response Required: Yes</b>

**Department of Education Findings:**

Many of the students' records that were reviewed were missing items 1-5 on the CVTE Student Record Review Checklist. These were:

1. Identification as a member of a special population;
2. Assessments results and guidance activities used in planning the student's program of study using a Career Plan;
3. Competency attainment;
4. Services provided if student is a member of a special population; and
5. Services if a student is participating in a program to prepare him/her for a career that would be nontraditional for their gender

CRITERION NUMBER	
	Legal Standard
CVTE 38	Career/Vocational Technical Education Graduate One-Year Follow-up Reports are accurate. <i>Perkins Section 113, Vocational Technical Education Regulations 603 CMR 4.05</i>
	<b>Rating: Implemented</b> <b>District Response Required: No</b>

CRITERION NUMBER	
	Legal Standard
CVTE 39	Perkins Local Plans/Updates are appropriately designed, amended and locally monitored. <i>Perkins Sections 13 and 201</i>
	<b>Rating: Implemented</b> <b>District Response Required: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CVTE 40</b>	The district uses Perkins funds in accordance with statutory fund-use rules, including supplement not supplant provisions. <i>Perkins Section 135</i>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CVTE 41</b>	The school has adequate financial resources to enable the programs to meet current industry and Occupational Safety and Health Administration (OSHA) standards with respect to facilities, safety, equipment and supplies. <i>Vocational Technical Education Regulations 603 CMR 4.03 (8)</i>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

This Coordinated Program Review Final Report is also available at:

<http://www.doe.mass.edu/pqa/review/cpr/reports/>.

Profile information supplied by each charter school and school district, including information for individual schools within districts, is available at

<http://profiles.doe.mass.edu/>.

SE, MOA, ELE, CVTE – 2007.doc

File Name: SE MOA ELE CVTE –2007 MVRSD

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