



Massachusetts Department of  
**ELEMENTARY & SECONDARY  
EDUCATION**

# **Billerica Public Schools**

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

**Dates of Onsite Visit: October 9-November 7, 2007**

**Date of Draft Report: April 3, 2008**

**Due Date for Comments: April 17, 2008**

**Date of Final Report: April 24, 2008**

**Action Plan Due: June 9, 2008**

**Department of Elementary and Secondary Education**

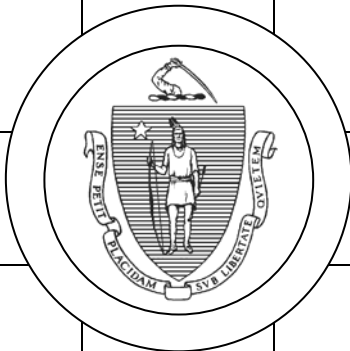
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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY  
EDUCATION  
COORDINATED PROGRAM REVIEW REPORT**

**Billerica Public School District**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY  
EDUCATION  
COORDINATED PROGRAM REVIEW REPORT**

**Billerica Public School District**

**SCOPE OF COORDINATED PROGRAM REVIEWS**

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

**Special Education (SE)**

- selected requirements from the federal Individuals with Disabilities Education Act (IDEA-2004), the federal regulations promulgated under that Act at 34 CFR Part 300, M.G.L. c. 71B (Chapter 766 of the Acts of 1972), and the Massachusetts Board of Elementary and Secondary Education's Special Education regulations (603 CMR 28.00), as amended effective July 1, 2005. Federal requirements selected for the 2007-2008 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.

**Civil Rights Methods of Administration and Other General Education Requirements (CR)**

- 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 Elementary and Secondary Education's Physical Restraint regulations (603 CMR 46.00).
- selected requirements from the Massachusetts Board of Elementary and Secondary 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. During the 2007-2008 school year, 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), including 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 providing Title I services participate in Title I program monitoring during the same year they are scheduled for a Coordinated Program Review. Details regarding the Title I program monitoring process are available at: <http://www.doe.mass.edu/titlei/monitoring>.

### **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 seventy-five school districts and charter schools are scheduled for Coordinated Program Reviews in 2007-2008. The Department's 2007-2008 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, including 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 Elementary and Secondary 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/>.

**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.

*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

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 the following Department program review methods:

- Interviews of nine administrative staff.
- Interviews of 50 teaching and support services staff across all levels.
- Interviews of four parent advisory council (PAC) representatives.
- Interviews as requested by persons from the general public.
- Student record reviews: A sample of 36 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 Elementary and Secondary Education student record review procedures to make determinations regarding the implementation of procedural and programmatic requirements.
- Surveys of parents of students with disabilities: 70 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. Thirty-seven of these parent surveys were returned to the Department of Elementary and Secondary Education for review.
- Surveys of parents of ELE students: 15 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. Four of these parent surveys were returned to the Department of Elementary and Secondary Education for review.
- Observation of classrooms and other facilities. All instructional classrooms and other school facilities used in the delivery of programs and services in six district schools were visited to determine general levels of compliance with program requirements.

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

- 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 Compliance Ratings" 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” or “Implementation in Progress” but made a specific comment on the district’s implementation methods that also requires 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.



**Billerica Public Schools**

**SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT  
REQUIRING CORRECTIVE ACTION**

<b>PROGRAM AREA</b>	<b>PARTIALLY IMPLEMENTED</b>	<b>NOT IMPLEMENTED</b>	<b>OTHER CRITERIA REQUIRING RESPONSE</b>
<b>Special Education</b>	SE 1, SE 2, SE 6, SE 8, SE 9A, SE 13, SE 15, SE 18A, SE 19, SE 22, SE 25B, SE 29, SE 33, SE 35, SE 36, SE 37, SE 40, SE 43, SE 48, SE 50, SE 51, SE 54, SE 55, SE56	SE 20, SE 34	
<b>Civil Rights and Other General Education Requirements</b>	CR 3, CR 7B, CR 18, CR 23,		
<b>English Learner Education</b>	ELE 5, ELE 6, ELE 9, ELE 10, ELE 14, ELE 15, ELE 17, ELE 18		

**NOTE THAT ALL OTHER CRITERIA REVIEWED BY THE DEPARTMENT THAT ARE NOT MENTIONED ABOVE HAVE RECEIVED AN “IMPLEMENTED” 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>	The requirement includes one or more new federal special education requirements that became effective with the federal regulations on October 13, 2006. The district or charter school has implemented any previous requirements included in the criterion and is currently engaged in staff training and/or is beginning implementation practices for new requirements which the Department's onsite team anticipates will result in substantial compliance by the end of the 2007-2008 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.

**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>SE 1</b>	<b>Rating: Partially Implemented</b>	<b>District Response Required:</b>	<b>Yes</b>

**Department of Elementary and Secondary Education Findings:**

*While observations and educational assessments from classroom teachers are generally well done, documents, interviews and records indicate that there are limited assessment options and that not all special education evaluators are fully trained or aware of a range of options and when it is appropriate to use them. A description of local evaluation standards and procedures was not provided.*

<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</li> </ol>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>education. The school nurse may add additional relevant health information from the student’s school health records.</p> <p>b. A psychological assessment by a certified school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination.</p> <p>c. A home assessment that may be conducted by a nurse, psychologist, social worker, guidance or adjustment counselor, or teacher and includes information on pertinent family history and home situation and may include a home visit, with the agreement of the parent</p> <p>3. At the re-evaluation of a student, if no additional assessments are needed to determine whether the student continues to be eligible for special education, the school district recommends to the student’s parents the following:</p> <p>a. that no further assessments are needed and the reasons for this; and</p> <p>b. the right of such parents to request an assessment.</p> <p><b>State Requirements</b> 603 CMR 28.04 (1) and (2)</p> <p><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.532; 300.346.(a)(2)(v)</p>
	<p><b>Rating: Partially Implemented</b>                      <b>District Response Required: Yes</b></p>

**Department of Elementary and Secondary Education Findings:**

*Record and document reviews and interviews reveal that social work reports, classroom teacher educational assessments and observations are consistently provided and are well done. Assessments conducted in all areas of disability may be limited due to limited assessment options (See SE1). Consideration for the need for assistive technology was especially impacted as personnel had limited awareness of assistive technology options (see SE 35).*

	<b>Legal Standard</b>
<b>SE 3</b>	<p><b>Special requirements for determination of specific learning disability</b></p> <p>When a student suspected of having a specific learning disability is evaluated, the Team creates a written determination as to whether or not he or she has a specific learning disability, which is signed by all members of the Team, or if there is disagreement as to the determination, one or more Team members document their disagreement.</p> <p style="text-align: right;"><b>Federal Requirements</b> 34 CFR 300.8(c)(10); 300.311</p>
	<p><b>Rating: Implemented</b>                                      <b>District Response Required: No</b></p>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>SE 4</b>	<p><b>Reports of assessment results</b></p> <ol style="list-style-type: none"> <li>1. Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impression, and shall define in detail and in educationally relevant and common terms, the student’s needs, offering explicit means of meeting them. Assessors may recommend appropriate types of placements, but shall not recommend specific classrooms or schools.</li> <li>2. Summaries of assessments are completed prior to discussion by the Team and, upon request, are made available to the parent at least two days in advance of the Team discussion.</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>
	<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 5</b>	<p><b>Participation in general State and district-wide assessment programs</b></p> <ol style="list-style-type: none"> <li>1. <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>2. The district’s IEP Teams designate how each student will participate and, if necessary, provide an alternate assessment.</li> <li>3. The superintendent of a school district--or, for a public school program that is not part of a school district, the equivalent administrator— <ol style="list-style-type: none"> <li>a. files an MCAS performance appeal for a student with a disability when the student’s parent or guardian or the student, if 18 or over, requests it, provided that the student meets the eligibility requirements for such an appeal;</li> <li>b. obtains the consent of the parent or guardian or the student, if 18 or over, for any MCAS performance appeal filed on behalf of a student with a disability;</li> <li>c. includes in the MCAS performance appeal, to the extent possible, the required evidence of the student’s knowledge and skills in the subject at issue.</li> </ol> </li> </ol> <p><b>State Requirements</b> St. 2003, c. 140, s. 119;</p> <p><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.138; 300.139</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	603 CMR 30.05(2),(3),(5)
	<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)		
	<table border="0" style="width: 100%;"> <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 Elementary and Secondary Education Findings:**

*Documents, interviews and record reviews indicated that, within the district, transition plans are not consistently generated or placed in student files. Evidence of discussion of transition was sometimes found under the additional information section of the IEP and took the form of a statement based on the student’s vision statement. Limited options exist for the development of community experiences, employment, and similar vocational options for students within the district and there is limited awareness of options that do exist.*

<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</li> </ol> </li> </ol>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>student and the parent or other adult with whom 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></p> <p>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	
	<p style="text-align: center;"><b>Legal Standard</b></p> <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> <p style="padding-left: 40px;">a. the parent and district agree to use alternative means, such as a video conference or a conference call, for any Team meeting</p> <p style="text-align: center;">OR</p> <p style="padding-left: 40px;">b. (i) the school district and parent agree that the member's attendance is not necessary or consent to the member's excusal AND (ii) the parent's agreement or consent is in writing AND (iii) the member submits in writing any input he or she has related to the IEP's development.</p> <p><b>State Requirements</b> 603 CMR 28.02(21)</p> <p style="text-align: right;"><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 Elementary and Secondary Education Findings:**

*While Team composition is appropriate in some respects (parents, regular education teachers, special education teachers, and related service providers, where appropriate, routinely attend), interviews with staff and district administration as well as record reviews, indicate that for annual reviews, the district does not make provision for a representative of the school district who is knowledgeable about the availability of resources within the district, and has the authority to commit those resources, to attend. District administration is mistaken in its interpretation of the annual IEP review meeting as just a progress meeting. Annual reviews are Team meetings and require the presence of a Team chair that has the authority to commit district resources when needed.*

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</b></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p><b>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> <p><b>State Requirements</b> 603 CMR 28.05(1); 28.06(2)(e)</p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required:</b></span></p>

<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> <p><b>State Requirements</b> 603 CMR 28.05(1) and (2)</p> <p><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.7; 300.534</p>

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

**Department of Elementary and Secondary Education Findings:**

*Document reviews, record reviews, and interviews indicate that the district has limited options available to provide support under the district’s general education program when the student does not need any direct services, or when the student’s lack of progress is due to a lack of instruction in reading or mathematics, limited English proficiency, social maladjustment, or is due to an inability to meet the school discipline code, but is not due to a disability. This lack of support services and appropriate instructional programs for students across a broad continuum of needs may have resulted in the over-identification of students in need of special education within the district.*

<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> <p><b>State Requirements</b>    <b>Federal Requirements (IDEA-97)</b>          603 CMR 28.05(1)    34 CFR 300.342</p>
	<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> <p>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.</p>

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
	<p>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.</p> <p>3. The district extends the right to a publicly funded independent educational evaluation (only if cost shared or funded for state wards or for students receiving free or reduced cost lunch) for sixteen (16) months from the date of the evaluation with which the parent disagrees.</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> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><b>State Requirements</b> 603 CMR 28.04(5)</td> <td style="width: 50%;"><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.502(a)(3)(i)</td> </tr> </table>	<b>State Requirements</b> 603 CMR 28.04(5)	<b>Federal Requirements (IDEA-97)</b> 34 CFR 300.502(a)(3)(i)
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<b>Rating: Implemented</b>	<b>District Response Required: No</b>		

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 12</b>	<p><b>Frequency of re-evaluation</b></p> <ol style="list-style-type: none"> <li>1. When the student’s needs warrant it or a parent or teacher requests it, the school district, with parental consent, conducts a full re-evaluation consistent with the requirements of federal law, provided that:               <ol style="list-style-type: none"> <li>a. a re-evaluation is conducted every three years unless the parent and district agree that it is unnecessary and</li> <li>b. a re-evaluation is conducted no more frequently than once a year unless the parent and district agree otherwise.</li> </ol> </li> <li>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.</li> </ol> <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: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 13</b>	<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>

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

**Department of Elementary and Secondary Education Findings:**

*Record reviews and interviews demonstrate that progress reports are not consistently documented in student files and not all staff are aware of the required processes and procedures for reporting on individual students' progress toward their goals.*

<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> </ol>



CRITERION NUMBER	SPECIAL EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT	
	Legal Standard	
	3. day care facilities 4. group homes 5. parent organizations 6. clinical /health care agencies 7. early intervention programs 8. other public/private/parochial schools 9. other agencies/organizations 10. the school itself, including charter schools 11. agencies serving migrant and/or homeless persons pursuant to the McKinney-Vento Education Act for Homeless Children	
	<b>State Requirements</b>	<b>Federal Requirements (IDEA-97)</b> 34 CFR 300.125; 300.312
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*Interviews and documentation provided to the Department indicate that the district does not make a concerted effort to engage in outreach to, or liaison with, the local community.*

CRITERION NUMBER		
	Legal Standard	
<b>SE 16</b>	<b>Screening</b> 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. 2. Participation in the screening program for three and four year olds is optional on the part of the parents. 3. Provision is made for ongoing and periodic screening of all students as required by the Department of Public Health (vision, hearing, and posture).	
	<b>State Requirements</b> 603 CMR 28.03(1)(d) M.G.L. c. 71, § 57	<b>Federal Requirements</b>
	<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 data-bbox="451 415 1442 611">1. The school district encourages referrals from the Department of Public Health, other agencies, and individuals for young children when or before the child turns two-and-one-half years old in order to ensure continuity of services and to ensure the development and implementation of an IEP for eligible children by the date of the child's third birthday in accordance with federal requirements.</li> <li data-bbox="451 617 1442 716">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 data-bbox="451 747 711 814"><b>State Requirements</b> 603 CMR 28.06(7)(b)</p> <p data-bbox="1024 747 1446 846"><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.24(b)(3); 300.121(c); 300.132; 300.342(c)</p>
	<p data-bbox="451 957 724 989"><b>Rating: Implemented</b></p> <p data-bbox="967 957 1390 989" style="text-align: right;"><b>District Response Required: No</b></p>

CRITERION NUMBER	
	<b>Legal Standard</b>
SE 18A	<p><b>IEP development and content</b></p> <ol style="list-style-type: none"> <li data-bbox="451 1255 1442 1587">1. a. Upon determining that the student is eligible for special education, the Team, including the parent(s), develops an IEP at the Team meeting using the evaluation data to guide development of measurable, annual goals for the student. IEPs for students with significant cognitive disabilities contain a description of objectives or benchmarks; IEPs for all students contain a description of how progress toward meeting the annual goals will be measured and when progress reports will be provided. <i>( Note: For 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 data-bbox="451 1593 1442 1818">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> <li data-bbox="451 1824 1442 1852">2. The IEP includes specially designed instruction to meet the needs of the</li> </ol>

<b>CRITERION NUMBER</b>				
	<b>Legal Standard</b>			
	<p>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> <ol style="list-style-type: none"> <li>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.</li> <li>4. The IEP is completed addressing all elements of the most current IEP format provided by the Department of Elementary and Secondary 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.</li> <li>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.</li> <li>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.</li> <li>7. The IEP is written in generally understandable language.</li> </ol> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>State Requirements</b> 603 CMR 28.05(3), (4), (6) and (7); 28.06(2)</p> </td> <td style="width: 50%; vertical-align: top;"> <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>
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	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>		

**Department of Elementary and Secondary Education Findings:**

*Interviews and student records indicate that district practice at the annual review Team meeting is to “update” an individual student’s current performance portion of the goal template to reflect any changes in performance. Teams do not then consistently change goals and benchmarks, and for some students at certain levels, the goals may not be designed to meet the needs of individual students, but rather a group of students. Since the district does not routinely require a Team chairperson who has the authority to commit the resources of the district (See SE1) to attend an annual review, there is no way to assure the services set out in the draft IEP developed at the meeting will be provided.*

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

<b>CRITERION NUMBER</b>	
	<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 accepted by the parent, is immediately implemented by the district while the extended evaluation is occurring.</li> <li>2. The extended evaluation period is not used to allow additional time to complete the required assessments.</li> </ol>

CRITERION NUMBER	
	<b>Legal Standard</b>
	<p>3. If the parent consents to an extended evaluation, the Team documents their findings and determines what evaluation time period is necessary and the types of information needed to develop an IEP. The Team may decide to meet at intervals during the extended evaluation, but in all cases reconvenes promptly to develop an IEP when the evaluation is complete.</p> <p>4. The extended evaluation may extend longer than one week, but does not exceed eight school weeks.</p> <p>5. The extended evaluation is not considered a placement.</p> <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: Partially implemented</b>                      <b>District Response Required: Yes</b></p>

**Department of Elementary and Secondary Education Findings:**

*Documentation, student records, and interviews indicate that staff has a limited understanding of the criteria for initiating an extended evaluation, or what constitutes an extended evaluation.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>SE 20</b>	<p><b>Least restrictive program selected</b></p> <p>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></p> <p>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></p> <p>3. <b>The district does not remove an eligible child from the general education classroom solely because of needed modification in the curriculum.</b></p> <p>4. If a student’s IEP necessitates special education services in a day or residential facility or an out-of-district educational collaborative program, the IEP Team considers whether the student requires special education services and support to promote the student’s transition to placement in a less restrictive program.</p> <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: Not Implemented</b> <b>District Response Required: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*Documents, interviews and student records demonstrate that Teams do not consistently select the least restrictive placement for all students. Statements regarding the justification for the removal of the student from the general education setting are often inadequate, addressing the disability rather than the individual needs and abilities of the student. Placement in inclusion settings is almost non-existent district wide and interviews suggest that students may be being removed from the general education setting without considering whether a modification in the curriculum might suffice to meet the student’s need. Overall, staff have limited understanding of the requirements for providing the Least Restrictive Environment and are not routinely aware of placement options, building based, and/or system wide (See SE 34).*

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

<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; margin-top: 10px;"> <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: Partially Implemented</b>	<b>District Response Required: Yes</b>		

**Department of Elementary and Secondary Education Findings:**

*Documents and interviews indicate that there is no district wide system for assuring that teachers have access to students' IEPs, and not all staff are aware of their obligations with regard to the implementation of the IEP.*

<b>CRITERION NUMBER</b>	<b>SPECIAL EDUCATION III. PARENTAL INVOLVEMENT</b>				
	<b>Legal Standard</b>				
<b>SE 24</b>	<p data-bbox="451 380 1450 474"><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="451 478 1450 1346" style="list-style-type: none"> <li>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>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>3. Notice complying with federal requirements is given by the district within a reasonable time for all other actions.</li> <li>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>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>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>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="451 1381 1430 1486" style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>State Requirements</b> M.G.L. c. 71B, § 3; 603 CMR 28.04(1)</p> </td> <td style="width: 50%; vertical-align: top;"> <p><b>Federal Requirements</b> IDEA-97: 34 CFR 300.503(a); IDEA-2004: Section 615(d)(1)(A)</p> </td> </tr> </table>			<p><b>State Requirements</b> M.G.L. c. 71B, § 3; 603 CMR 28.04(1)</p>	<p><b>Federal Requirements</b> IDEA-97: 34 CFR 300.503(a); IDEA-2004: Section 615(d)(1)(A)</p>
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	<b>Rating: Implemented</b>	<b>District Response Required:</b>	<b>No</b>		



CRITERION NUMBER	
	<b>Legal Standard</b>
SE 25	<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><b>State Requirements</b> 603 CMR 28.07(1)</p> <p style="text-align: right;"><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.500(b)(1)</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 25A</b>	<p><b>Sending of copy of notice to Special Education Appeals</b>            Within five calendar days of receiving a notice that a parent is requesting a hearing or has rejected an IEP, proposed placement, or finding of no eligibility for special education, the school district sends a copy of the notice to Special Education Appeals.</p> <p><b>State Requirements</b> 603 CMR 28.08(3)(b)</p> <p style="text-align: right;"><b>Federal Requirements</b></p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>SE 25B</b>	<p><b>Resolution of disputes</b></p> <ol style="list-style-type: none"> <li>1. Within 15 days of receiving notice that a parent has made an official hearing request to Special Education Appeals, the district convenes a meeting with the parent(s) and the relevant member(s) of the IEP Team, including a representative of the district with decision-making authority, to try to resolve the dispute. The resolution session may be waived if the district and the parents agree in writing to do so or if they agree to use mediation instead.</li> <li>2. If the dispute is resolved at the resolution session, the parent(s) and a representative of the district with the authority to do so sign a legally binding agreement, enforceable in state or federal court. Any party may void this agreement within three business days of the signing.</li> </ol> <p><b>State Requirements</b> 615(f)(1)(B)</p> <p style="text-align: right;"><b>Federal Requirements</b> IDEA-2004: Section</p>
	<b>Rating: Partially Implemented</b> <span style="float: right;"><b>District Response Required: Yes</b></span>

**Department of Elementary and Secondary Education Findings:**

*Interviews with parents and staff indicate that while the district may initially waive the resolution session in favor of scheduling mediation, it often cancels those same mediation sessions, leaving parents with limited options while significantly extending the amount of time a dispute over services and/or placement for an individual student is at issue.*

<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> <p><b>State Requirements</b> 603 CMR 28.02(21)</p> <p style="text-align: right;"><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.345(d), 300.501</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 27</b>	<p><b>Content of Team meeting notice to parents</b></p> <p>The parent notice of any Team meeting states the purpose, time and location of the meeting as well as who will be in attendance.</p> <p><b>State Requirements</b></p> <p style="text-align: right;"><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.345(b)(1)(i)</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 29</b>	<b>Communications are in English and primary language of home</b>

CRITERION NUMBER	
	<b>Legal Standard</b>
	<p>1. Communications with parents are in simple and commonly understood words and are in both English and the primary language of the home if such primary language is other than English. Any interpreter used in fulfilling these requirements is fluent in the primary language of the home and familiar with special education procedures, programs and services. If the parents or the student are unable to read in any language or are blind or deaf, communications required by these regulations are made orally in English with the use of a foreign language interpreter, in Braille, in sign language, via TTY, or in writing, whichever is appropriate, and all such communications are documented.</p> <p>2. If the district provides notices orally or in some other mode of communication that is not written language, the district keeps written documentation (1) that it has provided such notice in an alternate manner, (2) of the content of the notice and (3) of the steps taken to ensure that the parent understands the content of the notice.</p> <p><b>State Requirements</b> 603 CMR 28.07(8)</p> <p><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.345(e)</p>
	<p><b>Rating: Partially Implemented</b>                      <b>District Response Required: Yes</b></p>

**Department of Elementary and Secondary Education Findings:**

*Documents, record reviews, and interviews demonstrate that while the district is interested in developing the capacity to provide translations as needed, it does not yet routinely translate communications into the primary language of the home.*

CRITERION NUMBER	
	<b>Legal Standard</b>
SE 32	<p><b>Parent advisory council for special education</b></p> <p>1. The school district has established a district-wide parent advisory council on special education.</p> <p>2. Membership on the council is offered to all parents of children with disabilities and other interested parties.</p> <p>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.</p> <p>4. The parent advisory council has established by-laws regarding officers and operational procedures.</p> <p>5. The parent advisory council receives assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>and resources.</p> <p>6. The school district conducts, in cooperation with the parent advisory council, at least one workshop annually within the district on the rights of students and their parents and guardians under the state and federal special education laws.</p> <p><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>
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

<b>CRITERION NUMBER</b>	<b>SPECIAL EDUCATION IV. CURRICULUM AND INSTRUCTION</b>
	<b>Legal Standard</b>
<b>SE 33</b>	<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 reach the state graduation standards.</li> <li>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.</li> <li>4. In the IEP the district documents the student’s participation in the general curriculum.</li> </ol> <p><b>State Requirements</b> 603 CMR 28.05(4)(a) and (b)</p> <p style="text-align: right;"><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.347(a)(1)(i); 300.137</p>
	<b>Rating: Partially Implemented</b> <span style="float: right;"><b>District Response Required: Yes</b></span>

**Department of Elementary and Secondary Education Findings:**

*Interviews and facility observations indicate that, in programs that serve students with behavioral difficulties, personnel may not be provided with essential materials, may not be providing essential learning opportunities that prepare the students to reach the state graduation standards, and may not 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.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>SE 34</b>	<p><b>Continuum of alternative services and placements</b>  The district provides or arranges for the provision of each of the elements of the IEPs of students in need of special education from the ages of three through twenty-one, ensuring that a continuum of services and alternative placements is available to meet the needs of all students with disabilities, and takes all steps necessary to ensure compliance with all elements of the IEPs, including vocational education.</p> <p><b>State Requirements</b> <span style="float: right;"><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.551; 300.305; 300.123</span></p>
	<b>Rating: Not Implemented</b> <span style="float: right;"><b>District Response Required: Yes</b></span>

**Department of Elementary and Secondary Education Findings:**

*Record reviews, documentation, interviews, and facility observations reveal that there are gaps in the district's continuum of services. The needs of students with behavioral issues are not being appropriately met (see SE 33). Overall, staff have limited understanding of the requirements for providing the Least Restrictive Environment and are not routinely aware of placement options, building based, and system wide (See SE 20), and Teams do not consistently consider all options across the continuum of placements, particularly with regard to services within inclusion settings (See SE 9A). Limited vocational opportunities exist within the district.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>SE 35</b>	<p><b>Assistive technology: specialized materials and equipment</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol> <p><b>State Requirements</b> <span style="float: right;"><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.308, 34 CFR 300.346</span></p>
	<b>Rating: Partially Implemented</b> <span style="float: right;"><b>District Response Required: Yes</b></span>

**Department of Elementary and Secondary Education Findings:**

*Record reviews and interviews indicate that staff have a limited understanding of how and when to consider appropriate assistive technology for a student, and limited knowledge of what is available that may be used to increase, maintain, or improve the functional capabilities of a child with a disability (See SE 2).*

CRITERION NUMBER	
	<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> <p><b>State Requirements</b> 603 CMR 28.06(3)</p> <p style="text-align: right;"><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.13(a); 300.142; 300.300; <b>300.302; 300.350</b></p>
	<p><b>Rating: Partially Implemented</b>                      <b>District Response Required: Yes</b></p>

**Department of Elementary and Secondary Education Findings:**

*Record reviews, document reviews, and interviews indicate that, especially with respect to out of district placements, the district does not consistently, and in an ongoing manner, monitor or oversee the full implementation of the proposed and accepted services.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>SE 37</b>	<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</li> </ol>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>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 Elementary and Secondary Education, or to the out-of-district placement.</p> <ol style="list-style-type: none"> <li data-bbox="451 548 1451 743">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 data-bbox="451 747 1451 1045">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 data-bbox="451 1050 1451 1142">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 data-bbox="451 1146 1451 1381">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 data-bbox="451 1386 1451 1848">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 data-bbox="505 1486 1451 1579">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 data-bbox="505 1583 1451 1848">b. <u>Evaluation of facility</u>: The Administrator of Special Education or his/her designee thoroughly evaluates the appropriateness of any unapproved facility prior to placement of the student in such program. Such evaluation determines whether the unapproved facility can appropriately implement the student's IEP in a safe and educationally appropriate environment. Such evaluation additionally determines whether the unapproved facility can and will provide the student with all the rights that are accorded to the student under state and federal special</li> </ol> </li> </ol>



<b>CRITERION NUMBER</b>	
	<p style="text-align: center;"><b>Legal Standard</b></p> <p>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 Elementary and Secondary 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> <p><b>State Requirements</b> 603 CMR 28.02(14); 28.06(3)</p> <p><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.2(c)</p>
	<p><b>Rating: Partially Implemented</b>                      <b>District Response Required: Yes</b></p>

**Department of Elementary and Secondary Education Findings:**

Massachusetts Department of Elementary and Secondary Education – Program Quality Assurance Services

Billerica Public School District Coordinated Program Review Report – April 24, 2008

*Record reviews and document reviews reveal a lack of documentation of monitoring plan, and actual monitoring in the files of eligible students who have been placed out-of-district, although one interviewee said they do take place. No written contracts were placed in student files, as required.*

CRITERION NUMBER	
	Legal Standard
SE 38	<p><b>Educational services in institutional settings (ESIS)</b>            Department of Elementary and Secondary 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.</p> <p><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> <p><b>State Requirements</b> 603 CMR 28.06(9)</p> <p><b>Federal Requirements</b></p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span></p>

CRITERION NUMBER	
	Legal Standard
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</li> </ol>

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
	<p>district.</p> <ol style="list-style-type: none"> <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 federal entitlement funds (Fund Code 240) on one or more of the eligible private school students.</li> </ol> <table border="0" style="width: 100%; margin-top: 20px;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>State Requirements</b>  M.G.L. c. 71B, § 2  603 CMR 28.03(1)(e) </td> <td style="width: 50%; vertical-align: top;"> <b>Federal Requirements</b>  IDEA-97: 34 CFR 300.450-300.462  IDEA-2004: Section 612(a)(10)(A) </td> </tr> </table>	<b>State Requirements</b> M.G.L. c. 71B, § 2 603 CMR 28.03(1)(e)	<b>Federal Requirements</b> IDEA-97: 34 CFR 300.450-300.462 IDEA-2004: Section 612(a)(10)(A)
<b>State Requirements</b> M.G.L. c. 71B, § 2 603 CMR 28.03(1)(e)	<b>Federal Requirements</b> IDEA-97: 34 CFR 300.450-300.462 IDEA-2004: Section 612(a)(10)(A)		

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<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>
	<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 style="text-align: right;"><b>Federal Requirements</b> IDEA-97: 34 CFR 300.450-300.462 IDEA-2004: Section 612(a)(10)(A); 614</p> <p><i>(See also Administrative Advisory SPED 2006-5: Calculating Proportionate Share Obligations Under IDEA-2004, and Serving Eligible Private School Students from Other States, 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>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 data-bbox="456 478 1448 575">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 data-bbox="456 579 1448 709">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 data-bbox="456 714 1448 978">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 data-bbox="651 819 1203 848">• 8 students with a certified special educator,</li> <li data-bbox="651 852 1448 911">• 12 students if the certified special educator is assisted by 1 aide, and</li> <li data-bbox="651 915 1382 978">• 16 students if the certified special educator is assisted by 2 aides.</li> </ul> </li> <li data-bbox="456 982 1448 1188">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 data-bbox="651 1125 1203 1155">• 8 students to 1 certified special educator or</li> <li data-bbox="651 1159 1317 1188">• 12 students to 1 certified special educator and 1 aide.</li> </ul> </li> <li data-bbox="456 1192 1448 1423">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 data-bbox="456 1428 1448 1591">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 data-bbox="456 1596 1448 1692">7. The district takes all steps necessary to reduce the instructional groups to the sizes outlined in paragraph 3 or 4 of this criterion for subsequent years. Such steps are documented by the district.</li> </ol> <p data-bbox="456 1730 699 1793"><b>State Requirements</b> 603 CMR 28.06(6)</p> <p data-bbox="932 1730 1211 1759" style="text-align: right;"><b>Federal Requirements</b></p>
	<p data-bbox="456 1801 837 1831"><b>Rating: Partially Implemented</b></p> <p data-bbox="967 1801 1398 1831" style="text-align: right;"><b>District Response Required: Yes</b></p>

**Department of Elementary and Secondary Education Findings:**

*Interviews and site visits indicate that the Learning Center at the high school, which is described as a small group pull-out setting for academic support, has as many as 27 students in some sections.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<p><b>SE 41</b></p>	<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 Elementary and Secondary Education.</p> <p><b>State Requirements</b>                      603 CMR 28.06(6)(f)</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>
<p><b>SE 42</b></p>	<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 Service Plan (IFSP), if appropriate, for an additional year as a means of transitioning eligible children to public school services.</li> <li>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</li> </ol>

CRITERION NUMBER		
	Legal Standard	
	<p>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> <p>a. Services in such programs are provided in the home, the public school, Head Start, or a licensed childcare setting.</p> <p>b. For public school programs that integrate children with and without disabilities, the class size does not exceed twenty (20) with one teacher and one aide and no more than five (5) students with disabilities. If the number of students with disabilities is six (6) or seven (7) then the class size does not exceed fifteen (15) students with one teacher and one aide.</p> <p>6. <u>Substantially separate programs</u> for young children are located in a public school classroom or facility that serves primarily or solely children with disabilities. Substantially separate programs adhere to the following standards:</p> <p>a. Substantially separate programs are programs in which more than 50% of the children have disabilities.</p> <p>b. Substantially separate programs operated by the district limit class sizes to nine (9) students with one teacher and one aide.</p>	
	<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: Implemented</b></p>	<p><b>District Response Required: No</b></p>

CRITERION NUMBER	SPECIAL EDUCATION V. STUDENT SUPPORT SERVICES	
	Legal Standard	
<p><b>SE 43</b></p>	<p><b>Behavioral interventions</b> For a student whose behavior impedes their learning or the learning of others, the Team considers the student's behavior including positive behavioral interventions, ability to follow school discipline codes, any needed code modifications and the possible need for a functional behavioral assessment.</p>	
	<p><b>State Requirements</b></p>	<p><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.346</p>
	<p><b>Rating: Partially Implemented</b></p>	<p><b>District Response Required: Yes</b></p>

**Department of Elementary and Secondary Education Findings:**

Massachusetts Department of Elementary and Secondary Education – Program Quality Assurance Services

Billerica Public School District Coordinated Program Review Report – April 24, 2008

*Documents, interviews and site visits indicate that there are limited options available for students in the regular education setting (see SE 9A), and in at least one program that serves students with behavioral difficulties, personnel may not be provided with essential materials, may not be providing essential learning opportunities that prepare the students to reach the state graduation standards, and may not 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.*

CRITERION NUMBER					
	<b>Legal Standard</b>				
<b>SE 44</b>	<p data-bbox="451 676 915 707"><b>Procedure for recording suspensions</b></p> <p data-bbox="451 709 1440 810">The district has a procedure to record the number and duration of suspensions from any part of the student’s program, including suspensions from special transportation prescribed by the IEP.</p> <table data-bbox="451 844 1433 1005"> <tr> <td data-bbox="451 844 915 875"><b>State Requirements</b></td> <td data-bbox="930 844 1354 875"><b>Federal Requirements (IDEA-97)</b></td> </tr> <tr> <td data-bbox="451 877 915 1005"></td> <td data-bbox="930 877 1433 1005">                     34 CFR 300.121(d)(2)                      Attachment 1 of the IDEA-97 regulations, Analysis of Comments and Changes, p. 12619                 </td> </tr> </table>	<b>State Requirements</b>	<b>Federal Requirements (IDEA-97)</b>		34 CFR 300.121(d)(2) Attachment 1 of the IDEA-97 regulations, Analysis of Comments and Changes, p. 12619
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	<table border="0"> <tr> <td data-bbox="451 1020 915 1052"><b>Rating: Implemented</b></td> <td data-bbox="964 1020 1390 1052"><b>District Response Required: No</b></td> </tr> </table>	<b>Rating: Implemented</b>	<b>District Response Required: No</b>		
<b>Rating: Implemented</b>	<b>District Response Required: No</b>				

CRITERION NUMBER					
	<b>Legal Standard</b>				
<b>SE 45</b>	<p data-bbox="451 1316 1305 1381"><b>Procedures for suspension up to 10 days and after 10 days: General requirements</b></p> <ol data-bbox="451 1383 1446 1686" style="list-style-type: none"> <li>Any eligible student may be suspended up to 10 days in any school year without implementation of procedures described in criterion SE 46 below.</li> <li>After a student with special needs has been suspended for 10 days in any school year, during any subsequent removal the public school provides sufficient services for the student to continue to receive a free and appropriate public education.</li> <li>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.</li> </ol> <table data-bbox="451 1719 1446 1787"> <tr> <td data-bbox="451 1719 915 1751"><b>State Requirements</b></td> <td data-bbox="1024 1719 1446 1751"><b>Federal Requirements (IDEA-97)</b></td> </tr> <tr> <td data-bbox="451 1753 915 1787">M.G.L. c. 76, §§ 16-18</td> <td data-bbox="1024 1753 1326 1787">34 CFR 300.519-300.529</td> </tr> </table>	<b>State Requirements</b>	<b>Federal Requirements (IDEA-97)</b>	M.G.L. c. 76, §§ 16-18	34 CFR 300.519-300.529
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<b>Rating: Implemented</b>	<b>District Response Required: No</b>				



CRITERION NUMBER	
	<b>Legal Standard</b>
SE 46	<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 <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol> <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> </li> <li>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,</li> </ol>

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>SE 47</b>	<p><b>Procedural requirements applied to students not yet determined to be eligible for special education</b></p> <p>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:</p> <ul 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> </ul> <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>

CRITERION NUMBER	
	<b>Legal Standard</b>
	<p>2. If the district had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the district must have procedures consistent with federal requirements to conduct an expedited evaluation to determine eligibility.</p> <p>3. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.</p> <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>
	<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 48</b>	<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 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>

<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 Elementary and Secondary Education Findings:**

*Documentation and interviews indicate that students in substantially separate settings do not, in all cases, have equal opportunity to participate in nonacademic, extra curricular and ancillary programs, such as art, music and physical education, especially with regard to work-study and employment opportunities.*

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
<b>SE 49</b>	<p><b>Related services</b>  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> <li>12. social work services in schools</li> <li>13. parent counseling and training, and</li> <li>14. interpreting services.</li> </ol> <table style="width: 100%; border: none; margin-top: 10px;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>State Requirements</b>  603 CMR 28.02(19) </td> <td style="width: 50%; vertical-align: top;"> <b>Federal Requirements)</b>  IDEA-97: 34 CFR 300.24  IDEA-2004: Section 602(26) </td> </tr> </table>	<b>State Requirements</b> 603 CMR 28.02(19)	<b>Federal Requirements)</b> IDEA-97: 34 CFR 300.24 IDEA-2004: Section 602(26)
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<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>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 style="text-align: center;"><b>State Requirements</b> <span style="float: right;"><b>Federal Requirements</b></span>  M.G.L. c. 71B, § 3A;  603 CMR 28.03(2)</p>		
	<b>Rating: Partially Implemented</b>	<b>District Response Required:</b>	<b>Yes</b>

**Department of Elementary and Secondary Education Findings:**

*Student record and document reviews, as well as interviews suggest, that while the Administrator of Special Education is appropriately licensed, he is not consistently ensuring compliance with all federal and state education laws.*

<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> <p style="text-align: center;"><b>State Requirements</b> <span style="float: right;"><b>Federal Requirements</b></span>  603 CMR 7.00; 28.02(3) <span style="float: right;">34 CFR 300.23; 300.136</span></p>

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

**Department of Elementary and Secondary Education Findings:**

*Documents and ELAR review reveal that some personnel providing direct special education services described in IEPs are not appropriately certified or waived.*

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

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
<b>SE 53</b>	<p><b>Use of paraprofessionals</b></p> <ol style="list-style-type: none"> <li>1. Paraprofessionals and assistants (e.g., teacher aides, tutors and student teachers) are appropriately trained to assist in providing special education or related services.</li> <li>2. Persons employed as paraprofessionals and assistants do not design instruction for students with disabilities but are expected to implement instruction under the supervision of an appropriately certified or licensed professional who is proximate and readily available to provide such supervision.</li> </ol>		

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
	<b>State Requirements</b>	<b>Federal Requirements (IDEA-97)</b> 34 CFR 300.136(f)	
	<b>Rating: Implemented</b>	<b>District Response Required:</b>	<b>No</b>

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
<b>SE 54</b>	<p><b>Professional development</b></p> <p>1. The district considers the needs of all staff in developing training opportunities for professional and paraprofessional staff and provides a variety of offerings.</p> <p>2. The district ensures that all staff, including both special education and general education staff, are trained on :</p> <ul style="list-style-type: none"> <li>a. state and federal special education requirements and related local special education policies and procedures;</li> <li>b. analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the regular classroom of students with diverse learning styles;</li> <li>c. methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate diverse learning styles of all students in the regular classroom;</li> </ul> <p>3. The district provides in-service training for all locally hired <u>and</u> contracted transportation providers, before they begin transporting any special education student receiving special transportation, on his or her needs and appropriate methods of meeting those needs; for any such student it also provides written information on the nature of any needs or problems that may cause difficulties, along with information on appropriate emergency measures. Transportation providers include drivers of regular and special education vehicles and any attendants or aides identified by a Team for either type of vehicle.</p>		
	<b>State Requirements</b> M.G.L. c. 71, §§ 38G , 38Q and 38Q ½ 603 CMR 28.03(1)(a); 28.06(8)(b) and (c)	<b>Federal Requirements</b>	
	<b>Rating: Partially Implemented</b>	<b>District Response Required:</b>	<b>Yes</b>

**Department of Elementary and Secondary Education Findings:**

*Document review and interviews reveal that while the district ensures that transportation providers are appropriately trained, and does provide some professional development opportunities to selected personnel, there is no evidence of a district wide strategy to assure that all staff, including both special education and general education staff are regularly trained with regard to state and federal special education requirements and related local special education policies and procedures; analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the regular classroom of students with diverse learning styles; and methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate diverse learning styles of all students in the regular classroom.*

CRITERION NUMBER	SPECIAL EDUCATION VII. SCHOOL FACILITIES		
	<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 style="text-align: right;"><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>	<b>Yes</b>

**Department of Elementary and Secondary Education Findings:**

*Interviews and a site visit revealed that classroom spaces used for the Bridge to Work program were not being adequately maintained and furnished to allow students with behavioral issues to access the curriculum at the high school. A subsequent site visit demonstrated that the district is making progress towards providing comparable facilities for this population. There is also a substantially separate group housed in a portable classroom and sharing space with the instrumental music program at the Vining School. (See CR 23)*



<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> <li>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.</li> <li>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.</li> <li>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.</li> </ol> <p><b>State Requirements</b> M.G.L. c. 71B, § 2</p> <p style="text-align: right;"><b>Federal Requirements (IDEA-97)</b> 34 CFR 300.137</p>
	<p><b>Rating: Partially Implemented</b>                      <b>District Response Required: Yes</b></p>

**Department of Elementary and Secondary Education Findings:**

*Document reviews and interviews reveal that while the district has recently commissioned an outside evaluation of its program in order to prepare for this Coordinated Program Review, the district does not have procedures in place to regularly evaluate special education programs.*

<b>CRITERION NUMBER</b>	<b>SPECIAL EDUCATION IX. RECORD KEEPING</b>
	<b>Legal Standard</b>
<b>SE 57</b>	<p><b>Special education child count</b></p> <ol style="list-style-type: none"> <li>1. The school district maintains appropriate procedures to ensure that an accurate and unduplicated child count is provided to the Department of Elementary and Secondary 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.</li> <li>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.</li> <li>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</li> </ol>

<b>CRITERION NUMBER</b>	<b>SPECIAL EDUCATION IX. RECORD KEEPING</b>				
	<b>Legal Standard</b>				
	<p style="text-align: center;">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> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>State Requirements</b>  603 CMR 23.00 </td> <td style="width: 50%; vertical-align: top;"> <b>Federal Requirements</b>  IDEA-97: 34 CFR 300.133;  300.145; 300.560-300.577;  300.750-754; Family  Educational Rights and Privacy  Act (FERPA), 20 U.S.C. § 1232g </td> </tr> </table>			<b>State Requirements</b> 603 CMR 23.00	<b>Federal Requirements</b> IDEA-97: 34 CFR 300.133; 300.145; 300.560-300.577; 300.750-754; Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g
<b>State Requirements</b> 603 CMR 23.00	<b>Federal Requirements</b> IDEA-97: 34 CFR 300.133; 300.145; 300.560-300.577; 300.750-754; Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g				
	<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> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"><b>State Requirements</b></td> <td style="width: 50%; vertical-align: top;"><b>Federal Requirements</b> IDEA-2004: Section 614(d)(2)(C)</td> </tr> </table>			<b>State Requirements</b>	<b>Federal Requirements</b> IDEA-2004: Section 614(d)(2)(C)
<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 (CR)  
AND  
OTHER RELATED GENERAL EDUCATION  
REQUIREMENTS**

**LEGAL STANDARDS,  
COMPLIANCE RATINGS AND  
FINDINGS**

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS II. STUDENT IDENTIFICATION AND PLACEMENT
	<b>Legal Standard</b>
<b>CR 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>
	<p><b>Rating: Partially Implemented</b>                      <b>District Response Required: Yes</b></p>

**Department of Elementary and Secondary Education Findings:**

*Record reviews, document reviews and interviews indicate that, while the district states in its self assessment that it does make provision for access to a full range of educational programs for all students, Teams do not consistently consider all options across a continuum of placements. Inclusion settings are seldom considered and students in substantially separate programs may not have opportunity to participate in the full range of any occupational or vocational programs (see also SE 20, SE 34, SE 48).*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>CR 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 CR 4 is rated “Partially Implemented” or “Not Implemented,” then CR 4(1), CR 4(2), and CR 4(3) below will also receive a rating, which could be either “Implemented,” “Partially Implemented,” or “Not Implemented.” All findings for CR 4 and its three parts will appear following the rating for CR 4(3).</i></p> <p><i>If CR 4 is rated “Implemented,” then CR 4(1), CR 4 (2), and CR 4(3), being parts of CR 4, will also be rated “Implemented.”</i></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>CR 6</b>	<p><b>Availability of in-school programs for pregnant students</b></p> <ol style="list-style-type: none"> <li>1. Pregnant students are permitted to remain in regular classes and participate in extracurricular activities with non-pregnant students throughout their pregnancy, and after giving birth are permitted to return to the same academic and extracurricular program as before the leave.</li> <li>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.</li> </ol> <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 (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS III. PARENTAL INVOLVEMENT</b>
	<b>Legal Standard</b>
<b>CR 7</b>	<p><b>Information to be translated into languages other than English</b></p> <p>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>

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS III. PARENTAL INVOLVEMENT</b>
	<b>Legal Standard</b>
	<b>Title VI; EEOA: 20 U.S.C. 1703(f); M.G.L. c. 76, § 5; 603 CMR 26.02(2)</b>
	<b>Rating: Implemented</b> <b>District Response Required: No</b>

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IV. CURRICULUM AND INSTRUCTION</b>
	<b>Legal Standard</b>
<b>CR 7A</b>	<p><b>School year schedules</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. The school district ensures that unless his or her IEP or Section 504 Accommodation Plan provides otherwise, each elementary school student is scheduled for at least 900 hours of structured learning time a year and each secondary school student is scheduled for at least 990 hours of structured learning time a year, within the required school year schedule. Where the school district operates separate middle schools, it designates each one as either elementary or secondary.</li> <li>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.</li> </ol> <p>M.G.L. c. 69, § 1G; 603 CMR 27.03, 27.04</p>
	<b>Rating: Implemented</b> <b>District Response Required: No</b>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>CR 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 or a school-to-work program as structured learning time, it has guidelines that explain clearly how hours spent by students are verified.</li> </ol> <p>M.G.L. c. 69, § 1G; 603 CMR 27.02, 27.04</p>
	<p><b>Rating: Partially Implemented</b>                      <b>District Response Required: Yes</b></p>

**Department of Elementary and Secondary Education Findings:**

*Document reviews and interviews reveal that the district does not provide physical education for students in the 10<sup>th</sup> through 12<sup>th</sup> grades.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>CR 7C</b>	<p><b>Early release of high school seniors</b></p> <p>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</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>conforms with Board of Elementary and Secondary 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>
	<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>CR 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 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</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>CR 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</li> </ol>



<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>programs, as well as those offering cooperative work experience.</p> <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>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span></p>

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS V. STUDENT SUPPORT SERVICES</b>
	<b>Legal Standard</b>
<b>CR 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> <li>2. Student codes of conduct contain: <ol 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> </ol> </li> <li>3. Student handbooks and codes of conduct reference M.G.L. c. 76, s. 5 and contain: <ol 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> </ol> </li> </ol> <p>Section 504; M.G.L. c. 71, § 37H; 603 CMR 26.08</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>CR 11A</b>	<p><b>Designation of coordinator(s); grievance procedures</b></p> <ol 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> </ol> <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>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

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

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

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	104.4, 104.37; Title II: 42 U.S.C. 12132; 28 CFR 35.130, 35.160; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 721; Mass. Const. amend. art. 114; M.G.L. c. 71A, § 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>CR 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>CR 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</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>meeting of not longer than fourteen days.</p> <p>2. At the meeting the participants discuss the reasons that the student is leaving school and alternative educational or other placements. The student and parent or guardian are told that attendance is voluntary after the student turns 16 but are also informed of the student's right to return to school.</p> <p>M.G.L. c. 76, §§ 5, 18; St. 1965, c. 741</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>CR 17</b>	<p><b>Screening for vision, hearing, and posture</b>  Provision is made for ongoing and periodic screening of all students as required by the Department of Public Health (vision, hearing, posture)</p> <p>M.G.L. c. 71, § 57</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>CR 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 Elementary and Secondary Education regulations in order to prevent or minimize any harm to the student</li> </ol>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>as a result of the use of physical restraint.</p> <p>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.</p> <p>4. The district has developed and implemented reporting requirements and procedures for administrators, parents and the Department of Elementary and Secondary Education consistent with the regulations.</p> <p>5. The district has developed and implemented any applicable individual waiver procedures consistent with the regulations.</p> <p><b>M.G.L. c. 71, § 37G; 603 CMR 46.00</b></p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span></p>

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION</b>
	<b>Legal Standard</b>
<b>CR 18</b>	<p><b>Responsibilities of the school principal</b></p> <p>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.</p> <p>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</p>

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION
	<b>Legal Standard</b>
	<p>the general education program including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning. The plan includes provisions encouraging teacher mentoring and collaboration and parental involvement. <i>(The plan may be part of a multi-year strategic plan.)</i></p> <p>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.</p> <p>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.</p> <p>M.G.L. c. 71, § 38Q ½; 603 CMR 28.03(3)</p>
	<b>Rating: Partially Implemented</b> <b>District Response Required: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*Interviews indicate that in some schools, at some levels, there is limited instructional support available for students and teachers and that there is little training in, or expectation of, at a minimum, differentiated instruction at most levels (see SE 54).*

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION
	<b>Legal Standard</b>
<b>CR 18A</b>	<p><b>School district employment practices</b></p> <p>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>

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

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



CRITERION NUMBER	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VII. SCHOOL FACILITIES</b>		
	<b>Legal Standard</b>		
<b>CR 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>		
	<b>Rating: Implemented</b>	<b>District Response Required:</b>	<b>No</b>

CRITERION NUMBER			
	<b>Legal Standard</b>		
<b>CR 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> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(2); Title IX: 20 U.S.C. 1681; 34 CFR 106.33, 106.40(b)(3); Section 504: 29 U.S.C. 794; 34 CFR 104.34(c); Mass. Const. amend. art. 114; 603 CMR 28.03(1)(b)</p>		
	<b>Rating: Partially Implemented</b>	<b>District Response Required:</b>	<b>Yes</b>

**Department of Elementary and Secondary Education Findings:**

*Interviews and a site visit revealed that classroom spaces used for the Bridge to Work program were not being adequately maintained and furnished to allow students with behavioral issues access the curriculum at the high school. A subsequent site visit demonstrated that the district is making progress towards providing comparable facilities for this population. There is also a substantially separate group housed in a portable classroom and sharing space with the instrumental music program at the Vining School (See SE 55).*

CRITERION NUMBER	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VIII. PROGRAM PLAN AND EVALUATION</b>
	<b>Legal Standard</b>
<b>CR 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> <span style="float: right;"><b>District Response Required: No</b></span>

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

CRITERION NUMBER	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IX. RECORD KEEPING</b>
	<b>Legal Standard</b>
<b>CR 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>

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IX. RECORD KEEPING</b>
	<b>Legal Standard</b>
	FERPA: 20 U.S.C. § 1232g; 34 CFR Part 99; M.G.L. c. 71, § 34H; 603 CMR 23.05, 23.07
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

**ENGLISH LEARNER EDUCATION**

**LEGAL STANDARDS,  
COMPLIANCE RATINGS AND  
FINDINGS**

CRITERION NUMBER	<b>ENGLISH LEARNER EDUCATION I. ASSESSMENT OF STUDENT PROGRESS</b>
	<b>Legal Standard</b>
<b>ELE 1</b>	<p><b>Annual Assessment</b></p> <p>1. The district annually assesses the English proficiency of all limited English proficient (LEP) students.</p> <p>2. The following tests selected by the Massachusetts Board of Elementary and Secondary Education are administered annually by qualified staff to students who are English learners:</p> <ul 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> </ul> <p style="text-align: center;">Authority: NCLB, Title I and 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: No</b></span></p>

CRITERION NUMBER	
	<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, § 11; c. 71A, § 7</p>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span></p>

CRITERION NUMBER	<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>
	<p>English proficiency in reading, writing, speaking, and listening.</p> <p>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</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>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>
	<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>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>

**OLAAA Findings:**

*The Billerica Public School District indicates that all LEP students, at all levels of proficiency, are placed in a “regular education” classroom and are “pulled out” for direct ESL instruction. The district does not indicate the amount of time LEP students receive direct ESL instruction, nor does it have an ESL curriculum based on the English Language Proficiency Benchmark and Outcomes (ELPBO).*

*At the elementary level, not all teachers teaching ESL are licensed or hold a waiver. At the high school level, no teachers teaching English as a Second language hold an ESL license or are on a waiver from the Department.*

*Teachers instructing LEP students have completed just one of the four categories of SEI professional development. It is, therefore, unlikely that sheltered content instruction is occurring in classrooms with LEP students.*

<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>

**OLAAA Findings:**

*The BPS district has a clear re-designation protocol. However, as indicated in ELE 5, there is no English language development program by which to limit the amount of time an LEP student would receive services.*

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



CRITERION NUMBER	ENGLISH LEARNER EDUCATION IV. CURRICULUM AND INSTRUCTION	
	Legal Standard	
ELE 8	<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>

CRITERION NUMBER	Legal Standard	
ELE 9	<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>Partially Implemented</b>	<b>District Response Required: Yes</b>

**OLAAA Findings:**

*The district reports that all LEP students are placed in “regular education” classrooms. It is unlikely; therefore, that sheltered content instruction is occurring, as regular classroom teachers have not completed SEI training. The District does not provide LEP students with instruction using an ESL curriculum that is based on the English Language Proficiency Benchmarks and Outcomes. (ELPBO) (See ELE 5).*

CRITERION NUMBER	Legal Standard	
ELE 10	<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</li> </ol>	

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>mailed to the parents or guardians written in the primary/home language as well as in English, that informs parents of:</p> <ul style="list-style-type: none"> <li>(a) the reasons for identification of the student as Limited English Proficient (LEP);</li> <li>(b) the child’s level of English proficiency;</li> <li>(c) program placement and/or the method of instruction used in the program;</li> <li>(d) how the program will meet the educational strengths and needs of the student;</li> <li>(e) how the program will specifically help the child learn English;</li> <li>(f) the specific exit requirements; and</li> <li>(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).</li> </ul> <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: Partially Implemented</b>                      <b>District Response Required: Yes</b></p>

**Department of Elementary and Secondary Education Findings:**

*Document and record reviews, as well as interviews, reveal that the district does not provide report cards and progress reports to the parents of LEP students in their native language.*

<b>CRITERION NUMBER</b>	<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> <ul 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</li> </ul>

<b>CRITERION NUMBER</b>	<b>ENGLISH LEARNER EDUCATION V. STUDENT SUPPORT SERVICES</b>		
	<b>Legal Standard</b>		
	<p>receive support services, such as guidance and counseling, in a language that the student understands.</p> <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>	<b>No</b>

<b>CRITERION NUMBER</b>			
	<b>Legal Standard</b>		
<b>ELE 12</b>	<p><b>Equal Access to Nonacademic and Extracurricular Programs</b></p> <p>The district provides appropriate support, where necessary, to limited English proficient students to ensure that they have equal access to the nonacademic programs and extracurricular activities available to their English-speaking peers.</p> <p style="text-align: center;">Authority: Title VI; EEOA; M.G.L. c. 76, § 5; 603 CMR 26.06(2)</p>		
	<b>Rating: Implemented</b>	<b>District Response Required:</b>	<b>No</b>

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

<b>CRITERION NUMBER</b>	<b>ENGLISH LEARNER EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION</b>		
	<b>Legal Standard</b>		
<b>ELE 14</b>	<p><b>Licensure Requirements</b></p> <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 Elementary and Secondary 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> <p><b>Authority: Title VI; EEOA; M.G.L. c. 71, § 38G; St. 2002, c. 218, § 25</b></p>		

<b>CRITERION NUMBER</b>	<b>ENGLISH LEARNER EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION</b>		
	<b>Legal Standard</b>		
	<b>Rating: Partially Implemented</b>	<b>District Response Required:</b>	<b>Yes</b>

**OLAAA Findings:**

*Not all ESL teachers who provide direct ESL instruction to LEP students are licensed or hold a waiver from the Department. Content teachers of LEP students have taken part in only one of the four Categories of the skills and knowledge training as outlined in the June 2004 Commissioner's Memorandum. The district has no written policy for determining the English language fluency and literacy of its teachers teaching LEP students.*

<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>Authority: NCLB, Title III</p>		
	<b>Rating: Partially Implemented</b>	<b>District Response Required:</b>	<b>Yes</b>

**OLAAA Findings:**

*The District has submitted an SEI Professional Development plan that addresses only two of the four Categories of the skills and knowledge training as outlined in the June 2004 Commissioner's Memorandum.*

<b>CRITERION NUMBER</b>	<b>ENGLISH LEARNER EDUCATION VII. SCHOOL FACILITIES</b>		
	<b>Legal Standard</b>		
<b>ELE 16</b>	<b>Equitable Facilities</b>		

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VII. SCHOOL FACILITIES
	<b>Legal Standard</b>
	The district ensures that LEP students are provided facilities, materials and services comparable to those provided to the overall student population.  Authority: Title VI; EEOA; M.G.L. c. 76, § 5; 603 CMR 26.07
	<b>Rating: Implemented</b> <span style="float: right;"><b>District Response Required: No</b></span>

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VIII. PROGRAM PLAN AND EVALUATION
	<b>Legal Standard</b>
<b>ELE 17</b>	<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.  Authority: Title VI; EEOA
	<b>Rating: Partially Implemented</b> <span style="float: right;"><b>District Response Required: Yes</b></span>

**Department of Elementary and Secondary Education Findings:**

*Document reviews, record reviews, and interviews indicate that while the district, with the appointment of the new ELE director, is beginning to develop and implement procedures for evaluating the effectiveness of its ELE programs, a well developed process or procedure to periodically evaluate the effectiveness of programs had not been previously put into place.*

CRITERION NUMBER	ENGLISH LEARNER EDUCATION IX. RECORD KEEPING
	<b>Legal Standard</b>
<b>ELE 18</b>	<b>Records of LEP Students</b> LEP student records include: (a) home language survey;

<b>CRITERION NUMBER</b>	<b>ENGLISH LEARNER EDUCATION IX. RECORD KEEPING</b>
	<b>Legal Standard</b>
	<p>(b) results of identification and proficiency tests and evaluations, including MELA-O, MEPA, MCAS, or other tests chosen by the Board of Elementary and Secondary Education and the district;</p> <p>(c) information about students' previous school experiences;</p> <p>(d) copies of parent notification letters, progress reports and report cards (in the native language, if necessary);</p> <p>(e) evidence of follow-up monitoring (if applicable);</p> <p>(f) documentation of a parent's consent to "opt-out" of English learner education, if applicable;</p> <p>(g) waiver documentation, if applicable; and</p> <p>(h) Individual Student Success Plans for students who have failed MCAS, if the district is required to complete plans for non-LEP students.</p> <p style="text-align: right;">Authority: Title VI; EEOA; M.G.L. c. 69, § 1I; c. 71A, §§ 5, 7; 603 CMR 14.02, 14.04</p>
	<p><b>Rating: Partially Implemented      District Response Required: Yes</b></p>

**Department of Elementary and Secondary Education Findings:**

*Record reviews do not consistently contain evidence of follow-up monitoring of eligible students.*

Coordinated Program Review Final Reports are 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/>.

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File Name: Billerica Public Schools CPR

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