



Massachusetts Department of
**ELEMENTARY & SECONDARY
EDUCATION**

Fitchburg Public Schools

COORDINATED PROGRAM REVIEW REPORT OF FINDINGS

Dates of Onsite Visit: May 5-9 2008
Date of Draft Report: October 1, 2008
Date of Final Report: November 5, 2008
Action Plan Due: December 11, 2008

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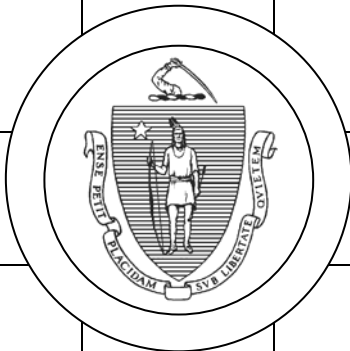
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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
COORDINATED PROGRAM REVIEW REPORT**

Fitchburg Public Schools

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
COORDINATED PROGRAM REVIEW REPORT
Fitchburg 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 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 Education's Physical Restraint regulations (603 CMR 46.00).
- selected requirements from the Massachusetts Board of Education's Student Learning Time regulations (603 CMR 27.00).

English Learner Education (ELE) in Public Schools

- selected requirements from M.G.L. c. 71A, the state law that governs the provision of education to limited English proficient students, and 603 CMR 14.00, as well as the No Child Left Behind Act of 2001 and Title VI of the Civil Rights Act of 1964. 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

A seven-member Massachusetts Department of Elementary and Secondary Education team visited the Fitchburg Public School District during the week of May 5, 2008 to evaluate the implementation of selected criteria in the program areas of special education, civil rights and other related general education requirements, English learner education, and career/vocational technical education. The team appreciated the opportunity to interview staff and parents, to observe classroom facilities and to review the programs underway in the district.

The 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 16 administrative staff.
- Interviews of 85 teaching and support services staff across all levels.
- Interviews of two parent advisory council (PAC) representatives.
- Two interviews as requested by persons from the general public.
- Student record reviews: A sample of 41 special education, 15 ELE and 30 CVTE 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: 40 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. Seventeen of these parent surveys were returned to the Department of Elementary and Secondary Education for review.
- Surveys of parents of ELE students: 25 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. Three of these parent surveys were returned to the Department of Elementary and Secondary Education for review.
- Observation of classrooms and other facilities. A sample of 72 instructional classrooms and other school facilities used in the delivery of programs and services was visited to determine general levels of compliance with program requirements.

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

- Component I: Assessment of Students**
- Component II: Student Identification and Program Placement**
- Component III: Parent and Community Involvement**
- Component IV: Curriculum and Instruction**
- Component V: Student Support Services**
- Component VI: Faculty, Staff and Administration**
- Component VII: 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.

FITCHBURG PUBLIC SCHOOLS

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

PROGRAM AREA	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED	OTHER CRITERIA REQUIRING RESPONSE
Special Education	SE 1 SE 20 SE 39A SE 2 SE 22 SE 40 SE 4 SE 24 SE 41 SE 7 SE 25 SE 43 SE 8 SE 25B SE 45 SE 9 SE 26 SE 46 SE 13 SE 29 SE 49 SE 14 SE 34 SE 51 SE 15 SE 35 SE 53 SE 18A SE 36 SE 54 SE 18B SE 55		
Civil Rights and Other General Education Requirements	CR 3 CR 13 CR 20 CR 7 CR 14 CR 21 CR 7A CR 16 CR 23 CR 7B CR 17 CR 24 CR 7C CR 17A CR 9 CR 18		
English Learner Education	ELE 4 ELE 8 ELE 13 ELE 5 ELE 10 ELE 14 ELE 7 ELE 11 ELE 18	ELE 6	
Career/Vocational Technical Education	CVTE 1 CVTE 17 CVTE 2 CVTE 19 CVTE 4 CVTE 21 CVTE 5 CVTE 24 CVTE 6 CVTE 29 CVTE 11 CVTE 30 CVTE 13 CVTE 31 CVTE 14 CVTE 32 CVTE 15 CVTE 33 CVTE 16 CVTE 35	CVTE 3 CVTE 9 CVTE 10 CVTE 34	

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

Commendable	Any requirement or aspect of a requirement implemented in an exemplary manner significantly beyond the requirements of law or regulation.
Implemented	The requirement is substantially met in all important aspects.
Implementation in Progress	The requirement includes one or more new federal special education 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.
Partially Implemented	The requirement, in one or several important aspects, is not entirely met.
Not Implemented	The requirement is totally or substantially not met.
Not Applicable	The requirement does not apply to the school district or charter school.

SPECIAL EDUCATION

**LEGAL STANDARDS,
COMPLIANCE RATINGS AND
FINDINGS**

CRITERION NUMBER	SPECIAL EDUCATION I. ASSESSMENT OF STUDENTS
	Legal Standard
SE 1	<p>Assessments are appropriately selected and interpreted for students referred for evaluation</p> <ol style="list-style-type: none"> 1. Tests and other evaluation materials are: <ol style="list-style-type: none"> a. validated b. administered and interpreted by trained individuals c. tailored to assess specific areas of educational need and related developmental needs d. selected and administered to reflect aptitude and achievement levels and related developmental needs e. as free as possible from cultural and linguistic bias 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 g. not the sole criterion for determining an appropriate educational program h. not only those designed to provide a single general intelligence quotient 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 j. technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors 2. In interpreting evaluation data and making decisions, the district: <ol style="list-style-type: none"> a. uses information from a variety of sources to gather relevant functional and developmental information, including information provided by the parent b. ensures that information obtained from these sources is considered c. ensures that the placement decision conforms with placement in the least restrictive environment d. includes information related to enabling the student to be involved in and progress in the general curriculum <p style="margin-top: 20px;"> State Requirements 603 CMR 28.04 603 CMR 28.05 </p> <p style="margin-left: 350px; margin-top: 20px;"> Federal Requirements 34 CFR 300.304; 300.305; 300.306(c) </p>

CRITERION NUMBER	SPECIAL EDUCATION I. ASSESSMENT OF STUDENTS
	Legal Standard
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of documents, student records, and staff and parent interviews indicate that, with the exception of Spanish, the district does not assess students who are limited English proficient in their native language or use alternate assessments. In addition, the district uses only a survey and does not use technically sound instruments to assess in social and emotional domains. Social and emotional assessments are not routinely administered and interpreted by trained individuals and are not tailored to assess specific areas of educational need.

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

CRITERION NUMBER			
	Legal Standard		
	<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>		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Requirements 603 CMR 28.04 (1) and (2)</td> <td style="width: 50%;">Federal Requirements 34 CFR 300.304; 300.305; 300.324(a)(2)(v)</td> </tr> </table>	State Requirements 603 CMR 28.04 (1) and (2)	Federal Requirements 34 CFR 300.304; 300.305; 300.324(a)(2)(v)
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	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Rating: Partially Implemented</td> <td style="width: 50%;">District Response Required: Yes</td> </tr> </table>	Rating: Partially Implemented	District Response Required: Yes
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Department of Elementary and Secondary Education Findings:

A review of documents, student records, and staff and parent interviews indicate that assessments are not tailored to assess specific areas of educational need. The district does not consider the need for or conduct assistive technology assessments, nor does the district have staff or procedures for assessing adaptive physical education needs. Psychological assessments are not routinely conducted for students referred with behavioral, social and emotional needs, and student observations are not conducted at the preschool level.

CRITERION NUMBER			
	Legal Standard		
SE 3	<p>Special requirements for determination of specific learning disability 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>Federal Requirements 34 CFR 300.8(c)(10); 300.311</p>		
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CRITERION NUMBER	
	Legal Standard
SE 4	<p>Reports of assessment results</p> <ol style="list-style-type: none"> 1. Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impression, and shall define in detail and in educationally relevant and common terms, the student’s needs, offering explicit means of meeting them. Assessors may recommend appropriate types of placements, but shall not recommend specific classrooms or schools. 2. Summaries of assessments are completed prior to discussion by the Team and, upon request, are made available to the parent at least two days in advance of the Team discussion. <p>State Requirements 603 CMR 28.04(2)(c)</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

A review of student records and interviews indicate that assessment reports do not define in detail and in educationally relevant and common terms, the student’s needs, offering explicit means of meeting them.

CRITERION NUMBER	
	Legal Standard
SE 5	<p>Participation in general State and district-wide assessment programs</p> <ol style="list-style-type: none"> 1. All students with disabilities whose placements are funded by the district are included in the Massachusetts Comprehensive Assessment System (MCAS) and other district-wide assessment programs. 2. The district’s IEP Teams designate how each student will participate and, if necessary, provide an alternate assessment. 3. The superintendent of a school district--or, for a public school program that is not part of a school district, the equivalent administrator— <ol style="list-style-type: none"> a. files an MCAS performance appeal for a student with a disability when the student’s parent or guardian or the student, if 18 or over, requests it, provided that the student meets the eligibility requirements for such an appeal; b. obtains the consent of the parent or guardian or the student, if 18 or over, for any MCAS performance appeal filed on behalf of a student with a disability; c. includes in the MCAS performance appeal, to the extent

CRITERION NUMBER			
	Legal Standard		
	possible, the required evidence of the student's knowledge and skills in the subject at issue.		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> State Requirements St. 2003, c. 140, s. 119; 603 CMR 30.05(2),(3),(5) </td> <td style="width: 50%; vertical-align: top;"> Federal Requirements 20 U.S.C. 1412(a)(16) </td> </tr> </table>	State Requirements St. 2003, c. 140, s. 119; 603 CMR 30.05(2),(3),(5)	Federal Requirements 20 U.S.C. 1412(a)(16)
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CRITERION NUMBER			
	Legal Standard		
SE 6	<p>Determination of transition services</p> <ol style="list-style-type: none"> 1. The Team discusses the student's transition needs annually beginning no later than when the student is 15 years old and documents its discussion on the Transition Planning Form. 2. The Team reviews the Transition Planning Form annually and updates information on the form and the IEP, as appropriate. 3. Reserved 4. For any student approaching graduation or the age of twenty-two, the Team determines whether the student is likely to require continuing services from adult human service agencies. In such circumstances, the Administrator of Special Education makes a referral to the Bureau of Transitional Planning in the Executive Office of Health and Human Services in accordance with the requirements of M.G.L. c. 71B, §§12A-12C (known as Chapter 688). 5. 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. 6. The district ensures that students are invited to and encouraged to attend part or all of Team meetings at which transition services are discussed or proposed. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> State Requirements M.G.L.c.71B, Sections 12A-C 603 CMR 28.05(4)(c) </td> <td style="width: 50%; vertical-align: top;"> Federal Requirements 34 CFR 300.320(b); 300.321(b); 300.322(b)(2); 300.324(c) </td> </tr> </table>	State Requirements M.G.L.c.71B, Sections 12A-C 603 CMR 28.05(4)(c)	Federal Requirements 34 CFR 300.320(b); 300.321(b); 300.322(b)(2); 300.324(c)
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CRITERION NUMBER		
	Legal Standard	
SE 7	<p>Transfer of parental rights at age of majority and student participation and consent at the age of majority</p> <ol style="list-style-type: none"> 1. One year prior to the student reaching age 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. 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. 3. The district continues to send the parent written notices and information, but the parent will no longer have decision-making authority, except as provided below. <ol style="list-style-type: none"> (a) If the parent has sought and received guardianship from a court of competent jurisdiction, then the parent retains full decision-making authority. The parent does not have authority to override any decision or lack of decision made by the student who has reached the age of majority unless the parent has sought or received guardianship or other legal authority from a court of competent jurisdiction (b) The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to share decision-making with his or her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such choice is made in the presence of the Team and is documented in written form. The student’s choice prevails at any time that a disagreement occurs between the adult student and the parent or other adult with whom the student has shared decision-making (c) The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to delegate continued decision-making to his or her parent, or other willing adult. Such choice is made in the presence of at least one representative of the school district and one other witness and is documented in written form and maintained in the student record. <p>State Requirements 603 CMR 28.07(5)</p> <p>Federal Requirements 34 CFR 300. 320(c), 300.520</p>	
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of student records indicates that students sharing decision making authority are co-signing IEPs; however, students who are assuming full responsibility for educational decisions are not signing their IEPs at age 18. In addition, the district does not send the “Notice of Proposed School District Action” (NI notice) to students who are 18 years old and older.

CRITERION NUMBER	
	Legal Standard
SE 8	<p>IEP Team composition and attendance The following persons are members of the IEP Team and may serve in multiple roles:</p> <ol style="list-style-type: none"> 1. The child's parents. 2. A representative of the school district who acts as Chairperson and who is (1) qualified to supervise or provide special education; (2) is knowledgeable about the general curriculum; and (3) is knowledgeable about the availability of resources of the district. 3. A representative of the school district who has the authority to commit the resources of the district (and who may act as the Chairperson). 4. <ol style="list-style-type: none"> a. If the student <i>may</i> be involved in a regular education program, a regular education teacher. If the student <i>is</i> involved in a regular education program, a regular education teacher of the student. b. If the student is participating in a special education program, a special education teacher of the student or, if appropriate, a special education provider for the student. 5. The student, if one purpose of the meeting is to discuss transition services or if otherwise appropriate and if he/she chooses. 6. Other individuals at the request of the student's parents. 7. Reserved 8. An individual who is qualified to interpret the instructional implications of evaluation results, who may be any one of the persons identified in parts 2 – 4 above. 9. Other individuals who may be necessary to write an IEP for the child, as determined by the Administrator of Special Education. 10. When one purpose of the Team meeting is to discuss transition services, a representative of any public agency who may be responsible for providing or paying for transition services is invited to the Team meeting. If the representative(s) does not attend the meeting, the school district takes other steps to obtain the participation of these agencies. 11. Reserved 12. When one purpose of the Team meeting is to discuss placement, a person knowledgeable about placement options is present at the meeting. 13. Members of the Team attend Team meetings unless: <ol style="list-style-type: none"> a. the parent and district agree to use alternative means, such as a video conference or a conference call, for any Team meeting <p>OR</p> <ol style="list-style-type: none"> a. (i) the school district and parent agree that the member's attendance is not necessary or consent to the member's excusal AND (ii) the parent's agreement or consent is in writing AND (iii) the member submits in writing any input he or she has related to the IEP's development. <p style="text-align: center;">State Requirements Federal Requirements</p>

CRITERION NUMBER	
	Legal Standard
	603 CMR 28.02(21) 34 CFR 300.116(a); 300.321; 300.328 See also, in the IDEA 97 regulations, 34 CFR Part 300, Appendix A, Question #22
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of student records and interviews indicate that Team meetings are held without parents in attendance at the middle and high school levels, and the district does not document attempts to involve parents in Team meetings. With the exception of Spanish, translators are not provided if needed. The district does not have procedures or document parent excusals of Team members from Team meetings.

A review of student records indicates that there is not always a person who can commit resources at Team meetings, especially during annual reviews. As a result Team meetings need to be reconvened to approve or consider services. In addition, regular education teachers do not routinely attend Team meetings at the middle and high school levels.

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

Department of Elementary and Secondary Education Findings:

A review of student records, staff interviews and parent surveys indicate that the district does not conduct assessments within 30 school days or hold Team meetings within 45 school days. In addition, dates are consistently inaccurate on required forms such as Notice of Proposed School District Action (N1), Evaluation Consent (N1A), Meeting Invitation (N3), and IEPs.

CRITERION NUMBER	
	Legal Standard
SE 9A	<p>Elements of the eligibility determination; general education accommodations and services for ineligible students</p> <ol style="list-style-type: none"> 1. To determine whether a student is eligible for special education, the school district: <ol style="list-style-type: none"> a. provides an evaluation or re-evaluation b. convenes a Team meeting c. determines whether the student has one or more disabilities d. determines if the student is making effective progress in school e. determines if any lack of progress is a result of the student's disability f. determines if the student requires special education and/or related services in order to make effective progress or if the student requires related services in order to access the general curriculum 2. If a Team determines that a student is not eligible for special education but may be eligible for accommodation(s) for disability(ies) under Section 504, the student is referred for consideration by the district for eligibility under that regular education program. 3. When the student does not need any direct services, the Team makes a finding of no eligibility and appropriate services are provided through the district's general education program. 4. When the student's lack of progress is due to a lack of instruction in reading or 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. <p>State Requirements 603 CMR 28.05(1) and (2)</p> <p>Federal Requirements 34 CFR 300.8; 300.306</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
SE 10	<p>End of school year evaluations</p> <p>If consent is received 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>

CRITERION NUMBER			
	Legal Standard		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">State Requirements 603 CMR 28.05(1)</td> <td style="width: 50%; border: none;">Federal Requirements 34 CFR 300.323</td> </tr> </table>	State Requirements 603 CMR 28.05(1)	Federal Requirements 34 CFR 300.323
State Requirements 603 CMR 28.05(1)	Federal Requirements 34 CFR 300.323		
	Rating: Implemented District Response Required: No		

CRITERION NUMBER	
	Legal Standard
SE 11	<p>School district response to parental request for independent educational evaluation</p> <p>If a parent disagrees with an initial evaluation or re-evaluation completed by the school district, and the parent requests an independent educational evaluation, the district implements the following requirements:</p> <ol style="list-style-type: none"> 1. All independent educational evaluations funded by the district are conducted by qualified persons who are registered, certified, licensed or otherwise approved and who abide by the rates set by the state agency responsible for setting such rates. Unique circumstances of the child are justified when an individual assessment rate is higher than that normally allowed. 2. The school district has procedures to offer parents the option of participating in an income eligibility program for free or reduced cost independent educational evaluations that are equivalent to the types of assessments done by the school district. 3. The district extends the right to a publicly funded independent educational evaluation (only if cost shared or funded for state wards or for students receiving free or reduced cost lunch) for sixteen (16) months from the date of the evaluation with which the parent disagrees. 4. If the parent is requesting an evaluation in an area not assessed by the school district, or if the student does not meet or the parent does not choose to share the financial documentation regarding the income eligibility standards for free or reduced cost independent educational evaluation, then the school district responds in accordance with the requirements of federal law by paying for the independent educational evaluation or, within five school days, proceeding to Special Education Appeals to show that its evaluation was comprehensive and appropriate. Where the Department's Special Education Appeals finds that the school district's evaluation was comprehensive and appropriate, the school district does not pay for the independent educational evaluation requested by the parent. 5. Whenever possible, the independent educational evaluation is completed and a written report sent no later than thirty (30) days after the date the parent requests the independent educational evaluation. If publicly funded, the report is sent to the parents and to the school district. The independent evaluator's

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

CRITERION NUMBER			
	Legal Standard		
SE 12	<p>Frequency of re-evaluation</p> <ol style="list-style-type: none"> 1. When the student’s needs warrant it or a parent or teacher requests it, the school district, with parental consent, conducts a full re-evaluation consistent with the requirements of federal law, provided that: <ol style="list-style-type: none"> a. a re-evaluation is conducted every three years unless the parent and district agree that it is unnecessary and b. a re-evaluation is conducted no more frequently than once a year unless the parent and district agree otherwise. 2. The district implements re-evaluation procedures in all cases where it is suspected that a student is no longer eligible for special education, except that no re-evaluation is required before the termination of eligibility because a student has graduated with a regular high school diploma or exceeded the age of eligibility. 		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">State Requirements 603 CMR 28.04(3)</td> <td style="width: 50%; border: none;">Federal Requirements 34 CFR 300.303; 300.305(e)</td> </tr> </table>	State Requirements 603 CMR 28.04(3)	Federal Requirements 34 CFR 300.303; 300.305(e)
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Rating: Implemented	District Response Required: No		

CRITERION NUMBER	
	Legal Standard
SE 13	<p>Progress Reports and content</p> <ol style="list-style-type: none"> 1. Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students. 2. Progress report information sent to parents includes written information on the student's progress toward the annual goals in the IEP. 3. Where a student's eligibility terminates because the student has graduated from secondary school or exceeded the age of eligibility, the school district provides the student with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her postsecondary goals. <p>State Requirements 603 CMR 28.07(3)</p> <p>Federal Requirements 34 CFR 300.305(e)(3); 300.320(a)(3)</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

A review of student records indicates that parents do not receive reports on the student's progress towards reaching the goals set forth in the IEP at least as often as parents are informed of the progress of nondisabled students. In addition, progress reports do not include written information on the student's progress towards the annual goals in the IEP.

CRITERION NUMBER	
	Legal Standard
SE 14	<p>Review and revision of IEPs</p> <ol style="list-style-type: none"> 1. At least annually, on or before the anniversary date of the IEP, a Team meeting is held to consider the student's progress and to review, revise, or develop a new IEP or refer the student for a re-evaluation, as appropriate. 2. 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. <p>State Requirements 603 CMR 28.04(3)</p> <p>Federal Requirements 34 CFR 300.324(a)(4), (6) and (b)</p>

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

Department of Elementary and Secondary Education Findings:

A review of student records and interviews indicate that annual reviews are not routinely held prior to the expiration dates of the former IEPs. IEPs are frequently dated by the month and year and not the day, thus resulting in difficulties tracking and monitoring mandated timelines. The district is inappropriately using IEP amendment forms to indicate a change of diagnosis or disability category without reviewing or revising the IEP. The district also issues amendments that are not aligned with the IEP. For example, an amendment will propose the addition of a related service but will not include goals, objectives or indicate the frequency and duration of the service.

CRITERION NUMBER	SPECIAL EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT	
	Legal Standard	
SE 15	<p>Outreach by the School District (Child Find) The district has annual or more frequent outreach and continuous liaison with those groups below from which promotion or transfer of students in need of special education may be expected, or which would include students in need of special education:</p> <ol style="list-style-type: none"> 1. professionals in community 2. private nursery schools 3. day care facilities 4. group homes 5. parent organizations 6. clinical /health care agencies 7. early intervention programs 8. private/parochial schools 9. other agencies/organizations 10. the school or schools that are part of the district, including charter schools 11. agencies serving migrant and/or homeless persons pursuant to the McKinney-Vento Education Act for Homeless Children 	
	State Requirements	Federal Requirements 34 CFR 300.111; 300.131; 300.209
	Rating: Partially Implemented District Response Required: Yes	

Department of Elementary and Secondary Education Findings:

A review of documents and interviews indicate that while the district is commended for the child find and outreach activities for early intervention and preschool students, the district does not conduct outreach for older students.

CRITERION NUMBER		
	Legal Standard	
SE 16	<p>Screening</p> <ol style="list-style-type: none"> 1. The school district conducts screening for three and four year olds and for all 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. <p>State Requirements 603 CMR 28.03(1)(d)</p> <p>Federal Requirements</p>	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 17	<p>Initiation of services at age three and Early Intervention transition procedures</p> <ol style="list-style-type: none"> 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. 2. The district implements procedures to ensure the effective transition of young children with disabilities from Early Intervention Programs through participation in transition planning conferences arranged by such programs. <p>State Requirements 603 CMR 28.06(7)(b)</p> <p>Federal Requirements 34 CFR 300.101(b); 300.124; 300.323(b)</p>	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 18A	<p>IEP development and content</p> <ol style="list-style-type: none"> 1. Upon determining that the student is eligible for special education, the Team, including the parent(s), develops an IEP at the Team meeting. 2. The IEP is completed addressing all elements of the most current IEP format provided by the Department of Elementary and Secondary Education. 3. The school district ensures that the IEP will not be changed at a higher administrative level within the district. <p>State Requirements 603 CMR 28.05(3)</p> <p>Federal Requirements IDEA-97: 34 CFR Part 300, Appendix A, Question #22</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

A review of student records indicates that IEPs do not address all required elements. IEPs do not contain age specific considerations on Present Levels of Educational Performance (PLEP B); IEPs do not always contain goals or objectives; vision statements are not developed with the student's input and frequently do not address student preferences, interests, adult living, postsecondary and working environments. IEPs do not identify specialized instruction, and assistive technology, adaptive physical education, and counseling services and supports are not routinely considered and written in IEP service delivery grids.

A review of student records and interviews indicate that IEP service delivery grids do not accurately reflect the service provider. Service delivery grids indicate that licensed teachers will be delivering services when in fact primary service providers are related service assistants and paraprofessionals.

Staff and parent interviews indicate that IEPs are changed at a higher administrative level within the district. (See SE 49).

CRITERION NUMBER	
	Legal Standard
SE 18B	<p>Determination of placement; provision of IEP to parent</p> <ol style="list-style-type: none"> 1. At the Team meeting, after the IEP has been fully developed, the Team determines the appropriate placement to deliver the services on the student's IEP. 2. Unless the student's IEP requires some other arrangement, the student is educated in the school that he or she would attend if the student did not require special education. 3. The decision regarding placement is based on the IEP, including the types of

CRITERION NUMBER	
	Legal Standard
	<p>related services that are to be provided to the child, the type of settings in which those services are to be provided, the types of service providers, and the location at which the services are to be provided.</p> <p>4. The placement selected by the Team is the least restrictive environment consistent with the needs of the student.</p> <p>5. Immediately following the development of the IEP, the district provides the parent with two (2) copies of the proposed IEP and proposed placement along with the required notice, except that the proposal of placement may be delayed according to the provisions of 603 CMR 28.06(2)(e) in a limited number of cases.</p> <p>State Requirements 603 CMR 28.05(6) and (7); 28.06(2)</p> <p>Federal Requirements 34 CFR 300.116; 300.325</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

Review of student records, and staff and parent interviews indicate that IEPs and placements are proposed several months after the Team meeting, thus delaying parents' ability to accept and implement services.

CRITERION NUMBER	
	Legal Standard
<p>SE 19</p>	<p>Extended evaluation If the Team finds a student eligible for special education and finds the evaluation information insufficient to develop a full or partial IEP, the Team, with the parents' consent, agrees to an extended evaluation period.</p> <p>1. The extended evaluation period is not used to deny programs or services determined to be necessary by the Team. If, prior to the extended evaluation, the Team determines that sufficient information is available to determine, in part, necessary annual goals and services, the Team writes a partial IEP that, if accepted by the parent, is immediately implemented by the district while the extended evaluation is occurring.</p> <p>2. The extended evaluation period is not used to allow additional time to complete the required assessments.</p> <p>3. If the parent consents to an extended evaluation, the Team documents their findings and determines what evaluation time period is necessary and the types of information needed to develop an IEP. The Team may decide to meet at intervals during the extended evaluation, but in all cases reconvenes promptly to develop an IEP when the evaluation is complete.</p> <p>4. The extended evaluation may extend longer than one week, but does not exceed</p>

CRITERION NUMBER	
	Legal Standard
	<p>eight school weeks.</p> <p>5. The extended evaluation is not considered a placement.</p> <p>State Requirements 603 CMR 28.05(2)(b)</p> <p style="text-align: right;">Federal Requirements</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 20	<p>Least restrictive program selected</p> <ol style="list-style-type: none"> 1. The program selected is the least restrictive environment for students, with consideration given to any potential harmful effect on the student or on the quality of services that he or she needs. 2. If the student is removed from the general education classroom at any time, the Team states why the removal is considered critical to the student's program and the basis for its conclusion that education of the student in a less restrictive environment, with the use of supplementary aids and services, could not be achieved satisfactorily. 3. The district does not remove an eligible child from the general education classroom solely because of needed modification in the curriculum. 4. If a student's IEP necessitates special education services in a day or residential facility or an out-of-district educational collaborative program, the IEP Team considers whether the student requires special education services and support to promote the student's transition to placement in a less restrictive program. <p>State Requirements M.G.L. c. 71B, § 3 603 CMR 28.06(2)</p> <p style="text-align: right;">Federal Requirements 34 CFR 300.114 – 120</p>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Review of documents, and staff and parent interviews indicate that the district does not consistently consider the least restrictive environment for special education students at the intermediate and secondary levels. All such students receive instruction in a regular education classroom for science, social studies and electives, consideration is not given to any potential harmful effect on the student or on the quality of services that he or she needs as only very limited consultation support is available to the general education content area teachers. Aides are usually not available in these classes, resulting in limited instructional accommodations and supports.

CRITERION NUMBER	
	Legal Standard
SE 21	<p>School day and school year requirements</p> <ol style="list-style-type: none"> 1. The Team routinely considers the need for an educational program that is less than or more than the regular school day or school year, including extended day, or year, and/or residential services and indicates on the IEP why the shorter or longer program is necessary. 2. The daily duration of the child’s program is equal to that of the regular school day unless the Team states that a different duration is necessary to provide a free appropriate public education to the child. In this case the Team specifies the daily duration of the program and states the reason for the different duration on the IEP. 3. Specialized transportation schedules do not impede a student’s access to a full school day and program of instruction. 4. An extended day or year program is identified if the student has demonstrated or is likely to demonstrate substantial regression in his or her learning skills and/or substantial difficulty in relearning such skills if an extended program is not provided. 5. If residential services are required, the IEP clearly specifies the reasons for such determination and how such services will be coordinated with the day education services provided to the student. Additionally, the annual goals and services on the student’s IEP reflect the comprehensive nature of the educational program required. 6. Camping or recreation programs provided solely for recreational purposes and with no corresponding IEP goals or specially designed instruction are not to be considered for extended year programs. <p>State Requirements M.G.L. c. 69, § 1G 603 CMR 28.05(4)(d) and (5)(c)</p> <p style="text-align: right;">Federal Requirements 34 CFR 300.106</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
SE 22	<p>IEP implementation and availability</p> <ol style="list-style-type: none"> 1. Where the IEP of the student in need of special education has been accepted in whole or in part by that student's parent, the school district provides the mutually agreed upon services without delay.

CRITERION NUMBER		
	Legal Standard	
	<p>2. At the beginning of each school year, the district has an IEP in effect for each eligible student within its jurisdiction.</p> <p>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 and the specific accommodations, modifications, and supports that must be provided for the student under it.</p> <p>4. The school district does not delay implementation of the IEP due to lack of classroom space or personnel, provides as many of the services on the accepted IEP as possible and immediately informs parents in writing of any delayed services, reasons for delay, actions that the school district is taking to address the lack of space or personnel and offers alternative methods to meet the goals on the accepted IEP. Upon agreement of the parents, the school district implements alternative methods immediately until the lack of space or personnel issues are resolved.</p>	
	State Requirements 603 CMR 28.05(7)(b); 28.06(2)(d)(2)	Federal Requirements 34 CFR 300.323
	Rating: Partially Implemented District Response Required: Yes	

Department of Elementary and Secondary Education Findings:

A review of student records, documents and interviews indicate that at South Street Elementary, IEP services are not fully implemented. Speech language services are provided by speech and language assistants and not by speech language pathologists, as indicated in the IEPs.

Student records and interviews indicate that when the district has interruptions in services due to a lack of personnel, parents are not notified and alternate methods to meet IEP goals are not proposed by the district.

Interviews indicate that teachers are not provided with IEPs at Crocker and South Street Elementary schools, but are provided with limited information from the district's computerized IEP program. As a result, teachers are not informed of their specific responsibilities related to the implementation of students' IEPs and the specific accommodations, modifications, and supports that must be provided.

CRITERION NUMBER	SPECIAL EDUCATION III. PARENTAL INVOLVEMENT	
	Legal Standard	
SE 24	<p>Notice to parent regarding proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE</p> <p>1. A student may be referred for an evaluation by a parent or any person in a caregiving or professional position concerned with the student's development.</p> <p>2. When a student is referred for an evaluation to determine eligibility for special</p>	

CRITERION NUMBER	SPECIAL EDUCATION III. PARENTAL INVOLVEMENT
	Legal Standard
	<p>education, the school district sends written notice to the child's parent(s) within 5 school days of receipt of the referral, 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.</p> <p>3. For all other actions, the district gives notice complying with federal requirements within a reasonable time.</p> <p>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</p> <p>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</p> <p>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.</p> <p>7. The school district refuses to conduct an initial evaluation only when the circumstances of a student make clear that there is no suspicion of a disability and that there is no concern about the student's development.</p> <p>State Requirements M.G.L. c. 71B, § 3; 603 CMR 28.04(1)</p> <p style="text-align: right;">Federal Requirements 34 CFR 300.503; 300.504(a)(1)</p>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of student records and parent surveys indicate that the district does not consistently send written notice to parents within five days of receiving a referral for an evaluation.

CRITERION NUMBER	Legal Standard
SE 25	<p>Parental consent In accordance with state and federal law, the school district obtains informed parental consent as follows:</p> <p>1. The school district obtains written parental consent before conducting an</p>

CRITERION NUMBER		
	Legal Standard	
	<p>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.</p> <p>2. The school district obtains consent before initiating extended evaluation services.</p> <p>3. The school district obtains consent to the services proposed on a student's IEP before providing such services.</p> <p>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.</p> <p>5. When the participation or consent of the parent is required and the parent fails or refuses to participate, the attempts to secure the consent of the parent are implemented through multiple attempts using a variety of methods which are documented by the district. Such efforts may include letters, written notices sent by certified mail, electronic mail (e-mail), telephone calls, or, if appropriate, TTY communications to the home, and home visits at such time as the parent is likely to be home. Efforts may include seeking assistance from a community service agency to secure parental participation.</p> <p>6. If, subsequent to initial evaluation and initial placement and after following the procedures required by the regulations, the school district is unable to obtain parental consent to a reevaluation or to placement in a special education program subsequent to the initial placement, or the parent revokes consent to such reevaluation or placement, the school district considers with the parent whether such action will result in the denial of a free appropriate public education to the child. If, after consideration, the school district determines that the parent's failure or refusal to consent will result in a denial of a free appropriate public education to the student, it seeks resolution of the dispute through Special Education Appeals.</p> <p>State Requirements 603 CMR 28.07(1)</p> <p>Federal Requirements 34 CFR 300.300</p>	
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of student records and parent interviews indicate that student observations are not conducted as part of an evaluation after receiving parental consent for them.

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

CRITERION NUMBER	
	Legal Standard
SE 25B	<p>Resolution of disputes</p> <ol style="list-style-type: none"> 1. Within 15 days of receiving notice that a parent has made an official hearing request to Special Education Appeals, the district convenes a meeting with the parent(s) and the relevant member(s) of the IEP Team, including a representative of the district with decision-making authority, to try to resolve the dispute. The resolution session may be waived if the district and the parents agree in writing to do so or if they agree to use mediation instead. 2. If the dispute is resolved at the resolution session, the parent(s) and a representative of the district with the authority to do so sign a legally binding agreement, enforceable in state or federal court. Any party may void this agreement within three business days of the signing. <p>State Requirements</p> <p style="text-align: right;">Federal Requirements 34 CFR 300.510</p>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of documents, student records, staff interviews and parent surveys indicate that the district does not convene a meeting to try to resolve the dispute within 15 days of receiving notice that a parent has made an official hearing request to Special Education Appeals.

CRITERION NUMBER		
	Legal Standard	
SE 26	<p>Parent participation in meetings</p> <ol style="list-style-type: none"> 1. The district ensures that one or both parents of a child are members of any group that makes decisions on the educational placement of their child. 2. The Administrator of Special Education notifies parent(s) in writing of any Team meeting early enough to ensure that they have an opportunity to attend. 3. The district schedules the meeting at a mutually agreed upon time and place; and documents such efforts. 4. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls, or video conferencing. 5. In cases where the district, after reasonable efforts, is unable to obtain the parents' participation in Team meeting discussions and decisions, the district conducts the Team meeting and documents its attempts to facilitate the parents' participation. <p>State Requirements 603 CMR 28.02(21)</p> <p>Federal Requirements 34 CFR 300.322; 300.501</p>	
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of student records and staff interviews indicate that parents do not consistently attend Team meetings nor does the district document multiple attempts to facilitate parent participation in Team meetings.

CRITERION NUMBER		
	Legal Standard	
SE 27	<p>Content of Team meeting notice to parents</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>State Requirements</p> <p>Federal Requirements 34 CFR 300.322(b)(1)(i)</p>	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 29	<p>Communications are in English and primary language of home</p> <ol style="list-style-type: none"> 1. Communications with parents are in simple and commonly understood words and are in both English and the primary language of the home if such primary language is other than English. Any interpreter used in fulfilling these requirements is fluent in the primary language of the home and familiar with special education procedures, programs and services. If the parents or the student are unable to read in any language or are blind or deaf, communications required by these regulations are made orally in English with the use of a foreign language interpreter, in Braille, in sign language, via TTY, or in writing, whichever is appropriate, and all such communications are documented. 2. If the district provides notices orally or in some other mode of communication that is not written language, the district keeps written documentation (1) that it has provided such notice in an alternate manner, (2) of the content of the notice and (3) of the steps taken to ensure that the parent understands the content of the notice. <p>State Requirements 603 CMR 28.07(8)</p> <p>Federal Requirements 34 CFR 300.322(e); 300.503(c)</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

A review of documents, student records, staff interviews and parent surveys indicate that assessment reports and IEPs are not routinely translated for parents who do not speak English.

CRITERION NUMBER	
	Legal Standard
SE 32	<p>Parent advisory council for special education</p> <ol style="list-style-type: none"> 1. The school district has established a district-wide parent advisory council on special education. 2. Membership on the council is offered to all parents of children with disabilities and other interested parties. 3. The parent advisory council duties include but are not limited to: advising the district on matters that pertain to the education and safety of students with disabilities; meeting regularly with school officials to participate in the planning, development, and evaluation of the school district's special education programs. 4. The parent advisory council has established by-laws regarding officers and operational procedures.

CRITERION NUMBER	
	Legal Standard
	<p>5. The parent advisory council receives assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff and resources.</p> <p>6. The school district conducts, in cooperation with the parent advisory council, at least one workshop annually within the district on the rights of students and their parents and guardians under the state and federal special education laws.</p> <p>State Requirements M.G.L. c. 71B, § 3; 603 CMR 28.03(1)(a)(4); 28.07(4)</p> <p style="text-align: right;">Federal Requirements</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	SPECIAL EDUCATION IV. CURRICULUM AND INSTRUCTION
	Legal Standard
SE 33	<p>Involvement in the general curriculum</p> <ol style="list-style-type: none"> 1. District personnel understand the connection between the Massachusetts Curriculum Frameworks and the expectations of the state for student performance as well as understanding the rights of students with disabilities to be full participants in the general curriculum. 2. The district has taken steps to provide students (including all students with disabilities) with essential learning opportunities that prepare the students to reach the state graduation standards. 3. At least one member of all IEP Teams is familiar with the general curriculum and is able to discuss an eligible student's appropriate access to the general curriculum. 4. In the IEP the district documents the student's participation in the general curriculum. <p>State Requirements 603 CMR 28.05(4)(a) and (b)</p> <p style="text-align: right;">Federal Requirements 34 CFR 300.320(a)(1)(i) and a(2)(i)(A); 300.321(a)(4)(ii)</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 34	<p>Continuum of alternative services and placements The district provides or arranges for the provision of each of the elements of the IEPs of students in need of special education from the ages of three through twenty-one, ensuring that a continuum of services and alternative placements is available to meet the needs of all students with disabilities, and takes all steps necessary to ensure compliance with all elements of the IEPs, including vocational education.</p> <p>State Requirements 603 CMR 28.05(7)(b)</p> <p>Federal Requirements 34 CFR 300.109; 300.110; 300.115</p>	
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of documentation, student records and staff interviews indicate the district provides resource room and special education supports only in math and English language arts at the middle and high school levels for students not in substantially separate classes. The district does not provide services or supports (co-teaching, inclusion, teacher consultation or paraprofessional supports) for other content areas. Adequate services are not provided in the areas of adaptive physical education, speech language therapy, counseling and inclusion support. Lastly, students who could successfully participate in prevocational job training and employment opportunities within the community have limited to no access due to a lack of supports and services.

CRITERION NUMBER		
	Legal Standard	
SE 35	<p>Assistive technology: specialized materials and equipment</p> <ol style="list-style-type: none"> 1. Specialized materials and equipment specified in IEPs are provided. 2. The school district provides evidence that assistive technology is considered for each eligible student and—if the student needs it in order to receive a free, appropriate public education--described in the IEP and provided by the district. <p>State Requirements</p> <p>Federal Requirements 34 CFR 300.105; 300.324(a)(2)(v)</p>	
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of documentation, staff interviews and classroom observations indicate that special education classrooms have outdated and limited computers that cannot run current programs for special education students when required pursuant to the IEPs. In addition, assistive technology is not routinely considered when developing IEPs, and when assistive technology is written into the IEP, the district has difficulty implementing assistive technology services.

CRITERION NUMBER		
	Legal Standard	
SE 36	<p>IEP implementation, accountability and financial responsibility</p> <ol style="list-style-type: none"> 1. Reserved. 2. The district oversees in an ongoing manner the full implementation of each in-district and each out-of-district IEP it proposes which has been consented to by a child’s parents. 3. Reserved. 4. The district provides all programs and services without expense to the child’s parents. 5. Each time the school district proposes to access the parent’s private insurance to support the costs of IEP implementation, the school district obtains the parent’s consent and informs the parents that their refusal to permit the school district to access their private insurance does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parents. <p>State Requirements 603 CMR 28.06(3)</p> <p>Federal Requirements 34 CFR 300.17(a); 300.101-104; 300.154</p>	
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

See SE 49 below with respect to related services.

CRITERION NUMBER		
	Legal Standard	
SE 37	<p>Procedures for approved and unapproved out-of-district placements</p> <ol style="list-style-type: none"> 1. <u>Individual student program oversight</u>: The school district monitors the provision of services to and the programs of individual students placed in public and private out-of-district programs. Documentation of monitoring plans and all actual monitoring are placed in the files of every eligible student who has been placed out-of-district. To the extent that this monitoring requires site visits, such 	

CRITERION NUMBER	
	Legal Standard
	<p>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="407 478 1403 674">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 data-bbox="407 680 1403 974">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 data-bbox="407 980 1403 1079">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 data-bbox="407 1085 1403 1310">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 data-bbox="407 1316 1403 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="508 1415 1403 1514">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 data-bbox="508 1520 1403 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 education law. Such evaluation is documented in detail and placed in the student record for review. To the extent that this evaluation requires

CRITERION NUMBER	
	<p style="text-align: center;">Legal Standard</p> <p>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> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div data-bbox="402 1549 737 1713"> <p>State Requirements M.G.L. c. 76, s. 1 603 CMR 18.00; 28.02(14); 28.06(2)(f) and (3); 28.09 808 CMR 1.00</p> </div> <div data-bbox="976 1549 1260 1614"> <p>Federal Requirements 34 CFR 300.2(c)</p> </div> </div>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
SE 38	<p>Educational services in institutional settings (ESIS) 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"> 1. The district implements its responsibilities to students in institutional settings by acting on requests for evaluation, issuing proposed IEPs in a timely manner, and providing special education and/or related services in accordance with state and federal law. 2. Where a student's IEP requires a type or amount of service that the facility does not provide, it remains the responsibility of the parent's school district to implement the student's IEP by arranging and paying for the provision of such service(s). 3. The parent's school district coordinates with the state agency to ensure that the student receives an evaluation, an annual review, and special education services as identified at a Team meeting convened by the parent's school district. <p>State Requirements 603 CMR 28.06(9)</p> <p>Federal Requirements</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
SE 39A	<p>Procedures used to provide services to eligible students enrolled in private schools at private expense whose parents reside in the district</p> <ol style="list-style-type: none"> 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. 2. The district consults with private schools in accordance with federal requirements. 3. 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; as part of its consultation with the private school, the district ensures that a representative of the child's private

CRITERION NUMBER	
	Legal Standard
	<p>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.</p> <ol style="list-style-type: none"> 4. 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. 5. 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. 6. 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. 7. 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. 8. 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. 9. 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 all eligible students attending private school in the district whether their parents reside in the district, in another Massachusetts district, or 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 attending private school in the district whose parents reside in the district or out of state. <p style="text-align: center;">State Requirements M.G.L. c. 71B, section 2 603 CMR 28.03(1)(e)</p> <p style="text-align: center;">Federal Requirements 34 CFR 300.130-144; 300.300(d)(4)</p>

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

Department of Elementary and Secondary Education Findings:

A review of student records indicates that the district has several students in private schools at private expense; however, reevaluations were not conducted and IEPs were not developed annually. IEPs did not consistently contain parent signatures indicating that IEPs were accepted.

CRITERION NUMBER	
SE 39B	<p>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</p> <ol style="list-style-type: none"> 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. 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. 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 all eligible students attending private school in the district whether their parents reside in the district, in another Massachusetts district, or 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 attending private school in the district whose parents reside in the district or out of state. 4. If the district provides services to any eligible private school student from out of state, it does so using an individual services plan. <p>State Requirements 603 CMR 28.02(7); 28.04; 28.05(2)</p> <p>Federal Requirements 34 CFR 300.130-144; 300.301-311</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 40	<p data-bbox="407 380 1268 411">Instructional grouping requirements for students aged five and older</p> <ol data-bbox="407 411 1408 1591" style="list-style-type: none"> <li data-bbox="407 411 1408 506">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 data-bbox="407 506 1408 642">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 data-bbox="407 642 1408 915">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="602 747 1154 779">• 8 students with a certified special educator, <li data-bbox="602 779 1408 842">• 12 students if the certified special educator is assisted by 1 aide, and <li data-bbox="602 842 1333 915">• 16 students if the certified special educator is assisted by 2 aides. <li data-bbox="407 915 1408 1083">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="602 1020 1154 1052">• 8 students to 1 certified special educator or <li data-bbox="602 1052 1268 1083">• 12 students to 1 certified special educator and 1 aide. <li data-bbox="407 1083 1408 1314">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 data-bbox="407 1314 1408 1482">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 data-bbox="407 1482 1408 1591">7. The district takes all steps necessary to reduce the instructional groups to the sizes outlined in paragraph 3 or 4 of this criterion for subsequent years. Such steps are documented by the district. <p data-bbox="407 1692 651 1755">State Requirements 603 CMR 28.06(6)</p> <p data-bbox="878 1692 1162 1724" style="text-align: center;">Federal Requirements</p>

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

Department of Elementary and Secondary Education Findings:

A review of documentation, interviews and classroom observations indicate that the district exceeds group size requirements. The district includes 1:1 aides in their ratios for substantially separate classes; however, when the aide leaves the class with the student for a service or inclusion class, the class size is out of compliance. When teacher substitute coverage is unavailable, which is reported to be frequent, instructional aides are placed in teacher roles. Lastly, substitutes are not provided for 1:1 and substantially separate classroom aides during periods of extended absence. This practice compromises the district's ability to provide required services and supports set forth in IEPs and meet group size requirements.

CRITERION NUMBER	
	Legal Standard
SE 41	<p>Age span requirements The ages of the youngest and oldest child in any instructional grouping do not differ by more than 48 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 style="text-align: center;">State Requirements Federal Requirements 603 CMR 28.06(6)(f)</p>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of documentation and interviews indicate that while the district filed and received four approved age span waivers days prior to the onsite review, this is not routine practice and the district routinely exceeds age span requirements and does not file waivers with the Department.

CRITERION NUMBER	
	Legal Standard
SE 42	<p>Programs for young children three and four years of age <u>General requirements:</u></p> <ol style="list-style-type: none"> 1. The school district ensures programs are available for eligible children three and four years of age. Such programs shall be developmentally appropriate

CRITERION NUMBER	
	Legal Standard
	<p>and specially designed for children ages three and four years.</p> <p>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.</p> <p>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.</p> <p>4. Where appropriate the Team allows a child to remain in a program designed for three and four year old children for the duration of the school year in which the child turns five years old (including the summer following the date of the child's fifth birthday).</p> <p><u>Types of Settings:</u></p> <p>5. <u>Inclusionary programs</u> for young children are located in a setting that includes children with and without disabilities and meet the following standards:</p> <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 20 with 1 teacher and 1 aide and no more than 5 students with disabilities. If the number of students with disabilities is 6 or 7 then the class size does not exceed 15 students with 1 teacher and 1 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 9 students with 1 teacher and 1 aide.</p> <p>State Requirements 603 CMR 28.06(7)</p> <p>Federal Requirements 34 CFR 300.101(b); 300.124(b); 300.323(b)</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	SPECIAL EDUCATION V. STUDENT SUPPORT SERVICES	
	Legal Standard	
SE 43	Behavioral interventions For a student whose behavior impedes their learning or the learning of others, the Team considers the student’s behavior including positive behavioral interventions and the possible need for a functional behavioral assessment.	
	State Requirements	Federal Requirements 34 CFR 300.324(a)(2)(i)
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of student records and interviews indicate that Teams do not routinely consider positive behavioral interventions for students whose behaviors impede their learning or the learning of others.

CRITERION NUMBER		
	Legal Standard	
SE 44	Procedure for recording suspensions 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.	
	State Requirements	Federal Requirements 34 CFR 300.530 IDEA 2004 Final Regulations, Analysis of Comments and Changes, Federal Register 71 (14 August 2006): 46715
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 45	Procedures for suspension up to 10 days and after 10 days: General requirements 1. Any eligible student may be suspended up to 10 days in any school year without	

CRITERION NUMBER	
	Legal Standard
	<p>implementation of procedures described in criterion SE 46 below.</p> <ol style="list-style-type: none"> 2. 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. 3. The school provides additional procedural safeguards for students with disabilities prior to any suspension beyond 10 consecutive days or more than 10 cumulative days (if there is a pattern of suspension) in any school year. <p>State Requirements M.G.L. c. 76, §§ 16-17</p> <p>Federal Requirements 34 CFR 300.530-300.537</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

A review of documents, student records and interviews indicate that the district does not provide educational services to eligible students who have exceeded 10 days of suspension.

CRITERION NUMBER	
	Legal Standard
SE 46	<p>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</p> <ol style="list-style-type: none"> 1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement. 2. Prior to a suspension that constitutes a change in placement of a student with disabilities, district personnel, the parent, and other relevant members of the Team, as determined by the parent and the district, convene to review all relevant information in the student’s file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district’s failure to implement the IEP—“a manifestation determination.” 3. If district personnel, the parent, and other relevant members of the Team determine that the behavior is NOT a manifestation of the disability, then the district may suspend or expel the student consistent with policies applied to any student without disabilities, except that the district must still offer: <ol style="list-style-type: none"> a. services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward

CRITERION NUMBER		
	Legal Standard	
	<p>IEP goals; and</p> <p>b. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur.</p> <p>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</p> <p>a. on its own authority if the behavior involves weapons or illegal drugs or another controlled substance or the infliction of serious bodily injury on another person while at school or a school function or, considered case by case, unique circumstances; or</p> <p>b. on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is “substantially likely” to injure him/herself or others.</p> <p><u>Characteristics.</u> In either case, the interim alternative education setting enables the student to continue in the general curriculum and to continue receiving services identified on the IEP, and provides services to address the problem behavior.</p> <p>5. If district personnel, the parent, and other relevant members of the Team determine that the behavior <u>IS</u> a manifestation of the disability, then the Team completes a functional behavioral assessment and behavioral intervention plan if it has not already done so. If a behavioral intervention plan is already in place, the Team reviews it and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational setting in accordance with part 4, the student returns to the original placement unless the parents and district agree otherwise.</p> <p>6. Not later than the date of the decision to take disciplinary action, the school district notifies the parents of that decision and provides them with the written notice of procedural safeguards. If the parent chooses to appeal or the school district requests a hearing because it believes that maintaining the student’s current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the hearing officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent and the school district agree otherwise.</p>	
	State Requirements	Federal Requirements 34 CFR 300.530-537
	Rating: Partially Implemented District Response Required: Yes	

Department of Elementary and Secondary Education Findings:

A review of documents, student records and interviews indicate that while the district conducts manifestation determinations after 10 days of suspension, a second manifestation determination is not conducted until the student is suspended an additional 20 days.

CRITERION NUMBER	
	Legal Standard
SE 47	<p>Procedural requirements applied to students not yet determined to be eligible for special education</p> <ol style="list-style-type: none">1. If, prior to the disciplinary action, a district had knowledge that the student may be a student with a disability, then the district makes all protections available to the student until and unless the student is subsequently determined not to be eligible. The district may be considered to have prior knowledge if:<ol style="list-style-type: none">a. The parent had expressed concern in writing; orb. The parent had requested an evaluation; orc. 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.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.2. If the district had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the district must have procedures consistent with federal requirements to conduct an expedited evaluation to determine eligibility.3. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility. <p>State Requirements Federal Requirements 34 CFR 300.534</p>
	Rating: Implemented District Response Required: No

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

CRITERION NUMBER		
	Legal Standard	
	<p>Programs, services and activities include, but are not limited to:</p> <ol style="list-style-type: none"> 1. art and music 2. vocational education, industrial arts, and consumer and homemaking education 3. work study and employment opportunities 4. counseling services available at all levels in the district 5. health services 6. transportation 7. recess and physical education, including adapted physical education 8. athletics and recreational activities 9. school-sponsored groups or clubs 10. meals <p>State Requirements 603 CMR 28.06(5)</p> <p>Federal Requirements 34 CFR 300.101 – 300.113</p>	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 49	<p>Related services</p> <p>For each student with special education needs found to require related services, the school district provides or arranges for the provision of transportation and such developmental, corrective, and other supportive services as are required to assist a student to benefit from special education or to access the general curriculum, and includes:</p> <ol style="list-style-type: none"> 1. speech-language pathology and audiology services 2. psychological services 3. physical therapy 4. occupational therapy 5. recreation, including therapeutic recreation 6. early identification and assessment of disabilities in children 7. counseling services, including rehabilitation counseling 8. orientation and mobility services (peripatology) 9. medical services for diagnostic or evaluation purposes 10. school health services, including school nurse services 11. social work services in schools 12. parent counseling and training, and 13. interpreting services. <p>State Requirements 603 CMR 28.02(18)</p> <p>Federal Requirements 34 CFR 300.34; 300.323(c)</p>	

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

Department of Elementary and Secondary Education Findings:

A review of documents, student records and staff interviews indicate that the district does not have the required staff to implement IEPs in the areas of speech language services, counseling services or adaptive PE.

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

CRITERION NUMBER			
	Legal Standard		
SE 51	<p>Appropriate special education teacher licensure Except at Commonwealth charter schools, individuals who design and/or provide direct special education services described in IEPs are appropriately licensed.</p> <p>State Requirements Federal Requirements M.G.L. c. 71, s. 38G; s. 89(qq); 34 CFR 300.18; 300.156 603 CMR 1.07; 7.00; 28.02(3)</p>		

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

Department of Elementary and Secondary Education Findings:

A review of documents and interviews indicate that the special education teachers in program at the BF Brown Arts Vision School do not hold appropriate licensure or approved waivers from the Department.

CRITERION NUMBER			
	Legal Standard		
SE 52	<p>Appropriate certifications/licenses or other credentials -- related service providers Any person, including non-educational personnel, who provides related services described under federal special education law, who supervises paraprofessionals in the provision of related services, or who provides support services directly to the regular or special classroom teacher is appropriately certified, licensed, board-registered or otherwise approved to provide such services by the relevant professional standards board or agency for the profession.</p> <p>State Requirements 603 CMR 28.02(3),(18)</p> <p>Federal Requirements 34 CFR 300.34; 300.156(b)</p> <p><i>Note: The definition of related services under IDEA 2004, at 34 CFR 300.34, now covers interpreting services, as defined in 300.34(c)(4), for students who are deaf or hard of hearing. Those who provide these kinds of related services must be registered with the Massachusetts Commission for the Deaf and Hard of Hearing. See the Memorandum on New Requirements for Registration of Sign Language Interpreters Who Work in Educational Settings at http://www.doe.mass.edu/news/news.asp?id=3416.</i></p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
	<p>classroom;</p> <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>		
	<p>State Requirements M.G.L. c. 71, §§ 38G , 38Q and 38Q ½ 603 CMR 28.03(1)(a); 28.06(8)(b) and (c)</p>	<p>Federal Requirements</p>	
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

A review of documents and interviews indicate that regular education teachers have not received training in state and federal special education requirements. New staff, particularly at Academy Middle School, have not received any of the required training listed above. In addition, staff district-wide have not received training in analyzing and accommodating diverse learning styles of all students for several years.

CRITERION NUMBER	SPECIAL EDUCATION VII. SCHOOL FACILITIES		
	Legal Standard		
SE 55	<p>Special education facilities and classrooms The school district provides facilities and classrooms for eligible students that</p> <ol style="list-style-type: none"> 1. maximize the inclusion of such students into the life of the school; 2. provide accessibility in order to implement fully each child’s IEP; 3. are at least equal in all physical respects to the average standards of general education facilities and classrooms; 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; and 5. are not identified by signs or other means that stigmatize such students. 		

CRITERION NUMBER	SPECIAL EDUCATION VII. SCHOOL FACILITIES		
	Legal Standard		
	State Requirements 603 CMR 28.03(1)(b)	Federal Requirements Section 504 of the Rehabilitation Act of 1973	
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

A review of documents and facility observations indicate that the following spaces are problematic:
Fitchburg High School – All self-contained classes for emotional and behavioral disabilities are positioned in one wing located directly above the gym. Students are not integrated with general education students and the noise level and visual distractions exceed that of general education classes.

Academy Pilot School has a special education hallway where the placement of classrooms 200, 202, and 206 prevent inclusion into the life of the school.

Crocker Elementary School has occupational therapy delivered on a stage.

South Street Elementary School has four special education classes (three autism classes, one SLD class) on the first floor wing, preventing integration with general education peers.

BF Brown Arts Vision School has special education wings for grades 6-7 in the basement and third floor. Speech services are provided in an area marked “toilet.” Occupational therapy services are delivered in a former locker room with urinals. Physical therapy is located in a former storage space; however, the library was observed to be empty and accessible. The special education technical education class has a high number of special education students enrolled. Due to its popularity, students cannot safely use the equipment. As a result, the facilities are not comparable to general education technical education classes that have smaller enrollments.

McKay Elementary School conducts occupational therapy and physical therapy in hallways.

Reingold Elementary School delivers related services in hallways and open spaces.

CRITERION NUMBER	SPECIAL EDUCATION VIII. PROGRAM PLAN AND EVALUATION		
	Legal Standard		
SE 56	Special education programs and services are evaluated Special education programs and services are regularly evaluated.		
	State Requirements M.G.L. c. 71B, section 2	Federal Requirements	
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	
	Legal Standard
SE 59	<p>Transfer of student records When a student with an IEP transfers from school district to school district, whether both of those districts are within the Commonwealth of Massachusetts or not,</p> <ol style="list-style-type: none"> 1. any Massachusetts school to which the student is transferring takes reasonable steps to promptly obtain the student’s records, including the IEP, from the former school, and 2. any Massachusetts school from which the student is transferring takes reasonable steps to promptly respond to the new school’s request for records. <p>State Requirements Federal Requirements 34 CFR 300.323(g)</p>
	<p>Rating: Implemented District Response Required: No</p>

**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
	Legal Standard
CR 3	<p>Access to a full range of education programs 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 2004: 20 U.S.C. 1400; 34 CFR 300.110; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Secs. 721, 722(g)(4); Mass. Const. amend. art. 114; M.G.L. c. 71A, s. 7; c. 76, s. 5; 603 CMR 26.03</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

A review of documentation, student records and staff interviews indicate that students attending the Alternative High School do not have access to special education services, ELE services, or vocational programs.

CRITERION NUMBER	Legal Standard
CR 4	<p>Placement of female students, male students, homeless students, students with disabilities, and students from linguistic and racial/ethnic groups 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); Mass. Const. amend. art. 114; M.G.L. c. 71A, s. 7; c. 71B, s. 6; c. 76, s. 5; 603 CMR 26.03</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
CR 6	<p>Availability of in-school programs for pregnant students</p> <ol style="list-style-type: none"> 1. Pregnant students are permitted to remain in regular classes and participate in extracurricular activities with non-pregnant students throughout their pregnancy, and after giving birth are permitted to return to the same academic and extracurricular program as before the leave. 2. The district does not require a pregnant student to obtain the certification of a physician that the student is physically and emotionally able to continue in school unless it requires such certification for all students for other physical or emotional conditions requiring the attention of a physician. <p>Title IX; 20 U.S.C. 1681; 34 CFR 106.40(b)</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS III. PARENTAL INVOLVEMENT
	Legal Standard
CR 7	<p>Information to be translated into languages other than English</p> <ol style="list-style-type: none"> 1. Important information and documents, e.g. handbooks and codes of conduct, being distributed to parents are translated into the major languages spoken by parents or guardians with limited English skills; the district has established a system of oral interpretation to assist parents/guardians with limited English skills, including those who speak low-incidence languages. 2. School or program recruitment and promotional materials being disseminated to residents in the area served by the school or program are translated into the major languages spoken by residents with limited English skills. <p style="text-align: center;">Title VI; EEOA: 20 U.S.C. 1703(f); M.G.L. c. 76, s. 5; 603 CMR 26.02(2)</p>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of documents and interviews indicate that the district does not translate important information and documents, such as handbooks and codes of conduct, in high frequency languages other than Spanish. In addition, only five handbooks have been translated into Spanish.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IV. CURRICULUM AND INSTRUCTION
	Legal Standard
CR 7A	<p>School year schedules</p> <ol style="list-style-type: none"> 1. Before the beginning of each school year, the school district sets a school year schedule for each school. The school year includes at least 185 school days for students in grades 1-12 at each elementary, middle, and secondary school in the district, and these schools are in operation for at least 180 days a year for these students. 2. The school district ensures that unless his or her IEP or Section 504 Accommodation Plan provides otherwise, each elementary school student is scheduled for at least 900 hours of structured learning time a year and each secondary school student is scheduled for at least 990 hours of structured learning time a year, within the required school year schedule. Where the school district operates separate middle schools, it designates each one as either elementary or secondary. 3. Where the school district sets a separate school year and school day schedule for kindergarten programs, it provides at least 425 hours of structured learning time a year. If the district schedules two sessions of kindergarten a day, it ensures equal instructional time for all kindergarten students. <p>M.G.L. c. 69, § 1G; 603 CMR 27.03, 27.04</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

A review of documents and interviews indicate that the Fitchburg Alternative High School does not meet the 990 hours of required structured learning time.

CRITERION NUMBER	
	Legal Standard
CR 7B	<p>Structured learning time</p> <ol style="list-style-type: none"> 1. The school district ensures that its structured learning time is time during which students are engaged in regularly scheduled instruction, learning, or assessments within the curriculum of core subjects and other subjects as defined in 603 CMR 27.02 (including physical education, required by M.G.L. c. 71, s. 3). The district’s structured learning time may include directed study (activities directly related to a program of studies, with a teacher available to assist students), independent study (a rigorous,

CRITERION NUMBER	
	Legal Standard
	<p>individually designed program under the direction of a teacher, assigned a grade and credit), technology-assisted learning, presentations by persons other than teachers, school-to-work programs, and statewide student performance assessments.</p> <p>2. The district ensures that its structured learning time does not include time at breakfast or lunch, passing between classes, in homeroom, at recess, in non-directed study periods (study halls), participating in optional school programs, or receiving school services such as health screening, speech, or physical and occupational therapy, except where those services are prescribed by a student’s IEP or Section 504 Accommodation Plan.</p> <p>3. The hours spent in any type of structured learning time are verified by the school district. Where the school district counts independent study or a school-to-work program as structured learning time, it has guidelines that explain clearly how hours spent by students are verified.</p> <p>M.G.L. c. 69, § 1G; 603 CMR 27.02, 27.04</p>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of documents and interviews indicate that the district does not offer physical education as a required subject for all four years at the high school level.

CRITERION NUMBER	
	Legal Standard
CR 7C	<p>Early release of high school seniors When the school district schedules the early release at the end of the year of the senior class of a high school, it does so in a way that conforms with Board of Education requirements under 603 CMR 27.05, ensuring that neither the conclusion of the seniors’ school year nor graduation is more than 12 school days before the regular scheduled closing date of that school.</p> <p>M.G.L. c. 69, § 1G; 603 CMR 27.05</p>

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

Department of Elementary and Secondary Education Findings:

A review of documents and interviews indicate that the Fitchburg Alternative High School's last day for seniors is more than 12 school days before the regular scheduled closing date of the school.

CRITERION NUMBER	
	Legal Standard
CR 8	<p>Accessibility of extracurricular activities Extracurricular activities sponsored by the district are nondiscriminatory in that:</p> <ol style="list-style-type: none"> 1. the school provides equal opportunity for all students to participate in intramural and interscholastic sports; 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. <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>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
CR 9	<p>Hiring and employment practices of prospective employers of students</p> <ol style="list-style-type: none"> 1. The district requires employers recruiting at the school to sign a statement that the employer complies with applicable federal and state laws prohibiting discrimination in hiring or employment practices. 2. Prospective employers to whom this criterion applies include those participating in career days and work-study and apprenticeship training programs, as well as those offering cooperative work experience. <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(1),(2); Title IX: 20 U.S.C. 1681; 34 CFR 106.38; Section 504: 29 U.S.C. 794; 34 CFR 104.4(b)(1)(v), 104.37(a); Title II: 42 U.S.C. 12132; 28 CFR 35.130(b)(1)(v); M.G.L. c. 76, § 5; 603 CMR 26.07(5)</p>

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

Department of Elementary and Secondary Education Findings:

A review of documents and staff interviews indicate that while the district has a form for employers to sign, the district has not requested or received signed statements from student employers indicating that the employer complies with applicable federal and state laws prohibiting discrimination in hiring and employment practices.

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

CRITERION NUMBER	
	Legal Standard
CR 11A	<p>Designation of coordinator(s); grievance procedures</p> <ol style="list-style-type: none"> 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. 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. <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>
	Rating: Implemented District Response Required: No

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

CRITERION NUMBER	
	Legal Standard
<p>CR 13</p>	<p>Availability of information and academic counseling on general curricular and occupational/vocational opportunities Students from linguistic, racial, and ethnic minorities; males; females; homeless students; and students with disabilities all receive, in grades 7-12, the same information and 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>Rating: Partially Implemented District Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

A review of documents and interviews indicate that information and academic counseling are not provided to limited English proficient students in languages other than Spanish, and the availability of information and academic counseling in Spanish is limited.

CRITERION NUMBER	
	Legal Standard
<p>CR 14</p>	<p>Counseling and counseling materials free from bias and stereotypes To ensure that counseling and counseling materials are free from bias and stereotypes on the basis of race, color, sex, religion, national origin, sexual orientation, disability, and homelessness, all counselors:</p> <ol style="list-style-type: none"> 1. encourage students to consider programs of study, courses, extracurricular activities, and occupational opportunities on the basis of individual interests, abilities, and skills; 2. examine testing materials for bias and counteract any found bias when administering tests and interpreting test results; 3. communicate effectively with limited-English-proficient and disabled students and facilitate their access to all programs and services offered by the district; 4. provide limited-English-proficient students with the opportunity to receive guidance and counseling in a language they understand; 5. support students in educational and occupational pursuits that are nontraditional for their gender.

	Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.36; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37; Title II: 42 U.S.C. 12132; 28 CFR 35.130, 35.160; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 721; Mass. Const. amend. art. 114; M.G.L. c. 71A, § 7; c. 76, § 5; 603 CMR 26.04, 26.07(8)
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of documents and interviews indicate that the district does not have procedures, as set forth in this criterion, 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.

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

CRITERION NUMBER	
	Legal Standard
CR 16	<p>Notice to students 16 or over leaving school without a high school diploma, certificate of attainment, or certificate of completion 1. Within ten days from a student’s fifteenth consecutive unexcused absence, the</p>

CRITERION NUMBER	
	Legal Standard
	<p>school provides written notice to students age 16 or over and their parents or guardians. The notice is in English and the family's native language and states that the student and the parent or guardian may meet with a representative of the district within ten days from the date the notice was sent. At the request of the parent or guardian, the district may consent to an extension of the time for the meeting of not longer than fourteen days.</p> <p>2. At the meeting the participants discuss the reasons that the student is leaving school and alternative educational or other placements. The student and parent or guardian are told that attendance is voluntary after the student turns 16 but are also informed of the student's right to return to school.</p> <p>3. Any district serving students in high school grades sends annual written notice to former students who have not yet earned their competency determination and who have not transferred to another school</p> <ul style="list-style-type: none"> a) to inform them of the availability of publicly funded post-high school academic support programs and b) to encourage them to participate in those programs. <p>At a minimum, the district sends annual written notice by first class mail to the last known address of each such student who attended a high school in the district within the past two years.</p> <p>M.G.L. c. 76, §§ 5, 18; St. 1965, c. 741</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

A review of documents and student records indicate that the district's notice to students 16 or over leaving school without a high school diploma does not inform students of the availability of publicly funded post-high school academic support programs nor does it inform parents and students of their right to request a 14-day extension to meet with district staff.

CRITERION NUMBER	
	Legal Standard
CR 17	<p>Screening for vision, hearing and posture Provision is made for ongoing and periodic screening of all students as required by the Department of Public Health (vision, hearing, and posture).</p> <p>M.G.L. c. 71, s. 57</p>

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

Department of Elementary and Secondary Education Findings:

A review of documents indicates that the district is not screening all students for posture, as required by the Department of Public Health.

CRITERION NUMBER	
	Legal Standard
CR 17A	<p>Use of physical restraint on any student enrolled in a publicly-funded education program</p> <ol style="list-style-type: none"> 1. The district has developed and implemented staff training at least annually on the use of restraint consistent with regulatory requirements. Such training occurs within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. 2. The district administers physical restraint on students only when needed to protect a student and/or a member of the school community from imminent, serious, physical harm. The district implements restraint procedures consistent with Department of Elementary and Secondary Education regulations in order to prevent or minimize any harm to the student as a result of the use of physical restraint. 3. The district has developed written procedures regarding appropriate responses to student behavior that may require immediate intervention. Such procedures are annually reviewed and provided to school staff and made available to parents of enrolled students. 4. The district has developed and implemented reporting requirements and procedures for administrators, parents and the Department of Elementary and Secondary Education consistent with the regulations. 5. The district has developed and implemented any applicable individual waiver procedures consistent with the regulations. <p style="text-align: center;">M.G.L. c. 71, § 37G; 603 CMR 46.00</p>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of documents and interviews indicate that while many schools conducted physical restraint training, this training was not conducted at Fitchburg High School and Crocker Elementary School. In addition, paraprofessionals were not trained district-wide.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION
	Legal Standard
CR 18	<p>Responsibilities of the school principal</p> <ol style="list-style-type: none"> 1. Instructional support. The principal in each of the district’s schools promotes instructional practices responsive to student needs and ensures that adequate instructional support is available for students and teachers. Instructional support includes remedial instruction for students, consultative services for teachers, availability of reading instruction at the elementary 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. 2. Curriculum Accommodation Plan. The principal implements a curriculum accommodation plan developed by the district’s general education program to ensure that all efforts have been made to meet the needs of diverse learners in the general education program. The plan assists the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the general education program including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning. The plan includes provisions encouraging teacher mentoring and collaboration and parental involvement. <i>(The plan may be part of a multi-year strategic plan.)</i> 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. 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>M.G.L. c. 71, § 38Q ½; 603 CMR 28.03(3)</p>

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION	
	Legal Standard	
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of documents and interviews indicate that while some schools in the district (McKay Elementary, Memorial Middle School) are familiar with and have procedures for implementing District Curriculum Accommodation Plans (DCAPs), many schools (BF Brown, Crocker Elementary, South Street Elementary, Fitchburg High School, the Alternative Program) have staff who are not familiar with or implement elements of the DCAPs.

A review of documents and interviews indicate that the district does not provide appropriate instructional support and services for linguistic minority students. In addition, the district does not implement home hospital services in a timely manner, if at all.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION	
	Legal Standard	
CR 18A	<p>School district employment practices District employment practices in general are free from discrimination on the basis of race, color, national origin, sex, or disability. In particular, the district’s faculty salary scales are based on the conditions and responsibilities of employment without regard to race, color, national origin, sex, or disability, and the district’s employee recruitment is aimed at reaching all groups, including members of linguistic, ethnic, and racial minorities, females and males, and persons with disabilities.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(c); EEOA: 20 U.S.C. 1703(d); Title IX: 20 U.S.C. 1681; 34 CFR 106.51-106.61; Section 504: 29 U.S.C. 794; 34 CFR 104.11-104.14; Title II: 42 U.S.C. 12132; 28 CFR 35.140; Mass. Const. amend. art 114</p>	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
CR 20	<p>Staff training on confidentiality of student records The district trains school personnel on the provisions of the Family Educational Rights and Privacy Act, M.G.L. c. 71, s. 34H, and 603 CMR 23.00 and on the</p>	

CRITERION NUMBER			
	Legal Standard		
	importance of information privacy and confidentiality. FERPA: 20 U.S.C. § 1232g; 34 CFR Part 99; M.G.L. c. 71, § 34H; 603 CMR 23.00, esp. 23.05(3)		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

A review of documents and interviews indicate that staff training on confidentiality of student records was only conducted for new teachers, with the exception of the high school where no training on this topic was provided. In addition, training was not conducted for paraprofessionals district-wide.

CRITERION NUMBER			
	Legal Standard		
CR 21	Staff training regarding civil rights responsibilities The district provides in-service training for all school personnel at least annually regarding civil rights responsibilities, including the prevention of discrimination and harassment on the basis of students' race, color, sex, religion, national origin and sexual orientation and the appropriate methods for responding to it in the school setting. 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)		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

A review of documents indicates that while the district conducted in-service trainings on the topic of harassment, training did not cover the topic of discrimination.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VII. SCHOOL FACILITIES		
	Legal Standard		
CR 22	Accessibility of district programs and services for students with disabilities In at least one facility within the district, the district makes available and entirely accessible to students with disabilities all educational and vocational programs and services offered at each level (preschool, elementary and secondary).		

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

CRITERION NUMBER			
	Legal Standard		
CR 23	<p>Comparability of facilities Where the district provides separate facilities for members of a specific group, those facilities are comparable to those offered other students in the district, including:</p> <ol style="list-style-type: none"> 1. separate facilities for disabled, limited-English-proficient or pregnant students that are comparable to the facilities for other students in the district; 2. separate toilet, locker room, and shower facilities for students of one gender that are comparable in size, condition, number and location to those provided students of the other gender. <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>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:
See SE 55.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VIII. PROGRAM PLAN AND EVALUATION		
	Legal Standard		
CR 24	<p>Curriculum review 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>		

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VIII. PROGRAM PLAN AND EVALUATION
	Legal Standard
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of documents and interviews indicate that the district does not have a process for conducting curriculum reviews. Staff are unfamiliar with this requirement and the district does not document this activity.

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

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IX. RECORD KEEPING
	Legal Standard
CR 26A	<p>Confidentiality and student records</p> <ol style="list-style-type: none"> 1. In accordance with federal and state requirements, the district protects the confidentiality of any personally identifiable information that it collects, uses or maintains. 2. The district maintains and provides access to student records in accordance with federal and state requirements.

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

ENGLISH LEARNER EDUCATION

**LEGAL STANDARDS,
COMPLIANCE RATINGS AND
FINDINGS**

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

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

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

CRITERION NUMBER	ENGLISH LEARNER EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT	
	Legal Standard	
	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	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
ELE 4	<p>Waiver Procedures</p> <ol style="list-style-type: none"> 1. Waivers may be considered based on parent request, providing the parent annually visits the school and provides written informed consent. Parents must be informed of their right to apply for a waiver and provided with program descriptions <i>in a language they can understand</i>. 2. Students who are under age 10, may only be granted waivers if (a) the student has been placed in an English language classroom for at least 30 calendar days, (b) the school certifies in no less than 250 words that the student “has special and individual physical or psychological needs, separate from lack of English proficiency” that requires an alternative program, and (c) the waiver is authorized by both the school superintendent and principal. All waiver requests and school district responses (approved or disapproved waivers) must be placed in the student’s permanent school record. For students under age 10, both the superintendent and the principal must authorize the waiver, and it must be made under guidelines established by, and subject to the review of the local school committee. These guidelines may, but are not required to, contain an appeals process. Students who are over age 10 may be granted waivers when it is the informed belief of the school principal and educational staff that an alternative program would be better for the student’s overall educational progress. Students receiving waivers may be transferred to 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. <p style="text-align: center;">Authority: M.G.L. c. 71A, § 5; 603 CMR 14.04(3)</p>	
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of documentation and interviews indicate that the district is using a waiver form as a means of opting out or declining services.

CRITERION NUMBER	
	Legal Standard
ELE 5	<p>Program Placement and Structure</p> <ol style="list-style-type: none"> 1. The district places LEP students in <ol style="list-style-type: none"> a. “sheltered English immersion” (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 b. “two-way bilingual” classrooms, in which students develop language proficiency in two languages by receiving instruction in English and another language in a classroom that is usually comprised of an equal number of proficient English speakers and proficient speakers of the other language; or c. (for kindergarten students) either a sheltered English immersion, two-way bilingual, or an English-only language general education classroom with assistance in English language acquisition, including, but not limited to, ESL; or 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. 2. Regardless of the program model, districts provide LEP students with content instruction that is based on the Massachusetts Curriculum Frameworks. 3. Regardless of the program model, districts provide ESL/ELD instruction that is based on the English Language Proficiency Benchmarks and Outcomes. 4. The district uses assessment data to plan and implement educational programs for students at different instructional levels. <p style="text-align: center;">Authority: Title VI; EEOA; M.G.L. c. 71A, §§ 2, 4, 7</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

A review of documents indicates that students receive ESL instruction in amounts that are in accordance with the Commissioner’s memorandum of June 2004. Most limited English proficient (LEP) students do not receive sheltered content instruction, as not all classroom teachers have completed SEI professional development focused on the skills and knowledge necessary for sheltering instruction, described in the Commissioner’s memorandum of June, 2004. (see ELE 14) The district is in the process of developing an ESL curriculum.

CRITERION NUMBER	
	Legal Standard
ELE 6	<p>Program Exit and Readiness</p> <p>1. The district does not re-designate a student from Limited English Proficient (LEP) to Formerly Limited English Proficient (FLEP) until 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>Rating: Not Implemented District Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

A review of documents reveals that the district did not submit any documentation for standard procedures for redesignating LEP students as FLEP. Necessary criteria for redesignation, including specific minimum scores on the Massachusetts English Proficiency Assessment (MEPA), are not identified.

CRITERION NUMBER	ENGLISH LEARNER EDUCATION III. PARENTAL INVOLVEMENT
	Legal Standard
ELE 7	<p>Parent Involvement</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>Rating: Partially Implemented District Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

A review of documents, records and interviews indicate that the district does not conduct any outreach to parents of high frequency non-English speaking languages, such as Hmong or Laotian, to involve them in matters pertaining to their children's education

CRITERION NUMBER	ENGLISH LEARNER EDUCATION IV. CURRICULUM AND INSTRUCTION
	Legal Standard
ELE 8	<p>Declining Entry to a Program 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>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

See ELE 4.

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

CRITERION NUMBER	
	Legal Standard
ELE 10	<p>Parental Notification</p> <ol style="list-style-type: none"> 1. Upon placement in any ELE program, and annually thereafter, a notice is mailed to the parents or guardians written in the primary/home language as well as in English, that informs parents of: <ol style="list-style-type: none"> (a) the reasons for identification of the student as Limited English Proficient (LEP);

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

Department of Elementary and Secondary Education Findings:

A review of documents, student records and interviews indicate that the district does not send annual parental notification that includes the parents’ right to decline to enroll their child in the program or apply for a waiver. Only Spanish speaking parents receive written notification in their primary language, even though the district has high frequency languages of Hmong and Laotian. The district does not provide LEP parents with copies of progress reports with the same frequency as general education reporting.

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

CRITERION NUMBER	ENGLISH LEARNER EDUCATION V. STUDENT SUPPORT SERVICES
	Legal Standard
	<p>student understands.</p> <ol style="list-style-type: none"> 4. The district ensures that LEP students are taught to the same academic standards and curriculum as all students, and provides the same opportunities to master such standards as other students, including the opportunity to enter academically advanced classes, receive credit for work done, and have access to the full range of programs. 5. The district uses grade appropriate content objectives for LEP students that are based on the district curricula in English language arts, history and social science, mathematics, and science and technology/engineering, taught by qualified staff members. 6. Reserved 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. 8. Information in notices such as activities, responsibilities, and academic standards provided to all students is provided to LEP students in a language and mode of communication that they understand. <p style="text-align: center;">Authority: Title VI; EEOA; M.G.L. c. 71, § 38Q1/2; 603 CMR 28.03(3)(a); 71A, § 7; c. 76, § 5; 603 CMR 26.03; 603 CMR 26.07(8)</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

A review of documents, student records and interviews indicate that ELL students at BF Brown Arts Vision School are not taught to the same academic standards and curriculum in social studies. In addition, there is a lack of instructional materials for LEP students. The high school has pull-out replacement ESL instruction; however, this class does not use grade appropriate content objectives and the content objectives focus on the acquisition of English without providing students with access to subject matter instruction. Lastly the majority of general education teachers are not trained in sheltered English Immersion (SEI) at the middle and high school levels, therefore LEP students are not provided with the same opportunities to master academic and curriculum standards as other students.

CRITERION NUMBER			
	Legal Standard		
ELE 12	<p>Equal Access to Nonacademic and Extracurricular Programs</p> <ol style="list-style-type: none"> 1. 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. 2. Information provided to students about extracurricular activities and school events is provided to LEP students in a language they understand. <p>Authority: Title VI; EEOA; M.G.L. c. 76, § 5; 603 CMR 26.06(2)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
ELE 13	<p>Follow-up Support</p> <p>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 style="text-align: center;">Authority: Title VI; EEOA; NCLB, Title III</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

A review of documents, student records and staff interviews indicate that there are no district-wide procedures for monitoring formerly limited English proficient (FLEP) students. The district does not document monitoring activities at all levels with the exception of Crocker Elementary School, which is the only school in the district that has monitoring procedures, forms and documentation of monitoring activities in student records.

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION		
	Legal Standard		
ELE 14	<p>Licensure Requirements</p> <ol style="list-style-type: none"> 1. Reserved. 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. 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 English as a Second Language, Transitional Bilingual Education, or English Language Learners license. 4. If a district with 200 or more LEP students has a director of English language learner programs, that director has an English as a Second Language, Transitional Bilingual Education, or English Language Learners license even if he or she is employed in that position for less than one-half time. <p>Authority: Title VI; EEOA; M.G.L. c. 71, § 38G; St. 2002, c. 218, § 25</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

A review of documents indicates that five of the eight teachers who deliver ESL instruction at the elementary level are licensed in ESL, and six of the eight teachers who deliver ESL instruction at the secondary level are licensed in ESL.

The district has trained a significant number of teachers at the elementary level in the four categories of SEI Professional Development described in the Commissioner’s memorandum of June 2004. Several teachers have completed all four categories of SEI PD and are qualified to shelter content instruction; many teachers have completed more than one but not all four categories.

At the middle school level, the number of teachers who have completed SEI PD varies by school. Documents submitted show that more teachers have received professional development in schools with a greater number of LEP students.

At the high school level, no subject/content area classes with LEP students are taught by teachers who have completed the four categories of SEI PD, although some teachers have participated in more than one category.

The district does not have a written policy for assuring English language fluency and literacy of teachers in classrooms where English is the language of instruction. The director of the district’s ELE program has provided documentation indicating that she plans to pursue this issue further.

CRITERION NUMBER			
	Legal Standard		
ELE 15	<p>Professional Development Requirements District schools with LEP students implement a professional development plan that provides teachers and administrators with high quality training, as prescribed by the Department, in (1) second language learning and teaching; (2) sheltering content instruction; (3) assessment of speaking and listening; and (4) teaching reading and writing to limited English proficient students. The school provides training opportunities to teachers of LEP students that ensure the progress of LEP students in developing oral comprehension, speaking, reading, and writing of English, and in meeting academic standards.</p> <p style="text-align: center;">Authority: NCLB, Title III</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VII. SCHOOL FACILITIES		
	Legal Standard		
ELE 16	<p>Equitable Facilities The district ensures that LEP students are provided facilities, materials and services comparable to those provided to the overall student population.</p> <p style="text-align: center;">Authority: Title VI; EEOA; M.G.L. c. 76, § 5; 603 CMR 26.07</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VIII. PROGRAM PLAN AND EVALUATION		
	Legal Standard		
ELE 17	<p>Program Evaluation 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</p>		

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VIII. PROGRAM PLAN AND EVALUATION	
	Legal Standard	
	program evaluation. Authority: Title VI; EEOA	
	Rating: Implemented	District Response Required: No

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

Department of Elementary and Secondary Education Findings:

A review of student records and interviews indicate that records of LEP students do not contain copies of parent notification letters, progress reports and report cards, progress reports and report cards in students' native languages, evidence of follow-up monitoring, and documentation of parents' consent to "opt-out" of English learner education.

**CAREER/VOCATIONAL TECHNICAL
EDUCATION**

**LEGAL STANDARDS,
COMPLIANCE RATINGS AND
FINDINGS**

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

Department of Elementary and Secondary Education Findings:

Interviews and documentation revealed that only a few students had received career assessments. See also CVTE 2 and 35.

CRITERION NUMBER	
	Legal Standard
CVTE 2	MCAS and/or other appropriate academic assessment results, as well as career assessment results are used to tailor instructional and support services and improve programs. <i>Perkins Section 135, Vocational Technical Education Regulations 603 CMR 4.03(4)</i>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Interviews and documentation revealed that only a few students received career assessments. See also CVTE 1. Academic assessments are limited to reviews of MCAS scores and some standardized tests for a few students. The district does not have a formal system of assessment to tailor instructional and support services for students or to improve programs. See also CVTE 35.

CRITERION NUMBER	
	Legal Standard
CVTE 3	Methods of measuring the acquisition by students of safety & health, technical, academic (including embedded academic), employability, management & entrepreneurship, and technological knowledge and skills are appropriate. <i>Perkins Section 135, M.G.L. c.74 Section 2, Vocational Technical Education Regulations 603 CMR 4.03 (4)</i>
	Rating: Not Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Interviews and documentation revealed student attainment of knowledge and skills are not documented by the district, nor are they shared with students and parents. See also CVTE 19 and 35.

CRITERION NUMBER	CAREER/VOCATIONAL TECHNICAL EDUCATION II. STUDENT IDENTIFICATION AND PROGRAM PLACEMENT
	Legal Standard
CVTE 4	Information concerning career/vocational technical education programs is provided to students and to their parents/guardians. Such information shall include admission requirements for career/vocational technical programs; specific programs/courses that are available; employment and/or further education and registered apprenticeship opportunities. <i>Perkins Section 135, Vocational Technical Education Regulations 603 CMR 4.03 (4) (6).</i>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Interviews and documentation show translated materials are not available for significant limited English proficient populations residing in this district. See also CVTE 5.

CRITERION NUMBER	
	Legal Standard
CVTE 5	All individuals including those who are members of special populations are provided with equal access to career/vocational technical education programs, services and activities and are not discriminated against on the basis of their status as members of special populations or race, color, gender, religion, national origin, English language proficiency, disability, or sexual orientation. <i>Perkins Sections 122 & 135, Vocational Technical Education Regulations 603 CMR 4.03(4) (6 (7), M.G.L.c.76, Section 5.</i>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Interviews and documentation show translated materials are not available for significant limited English proficient populations residing in this district. See also CVTE 4. Students with limited English speaking proficiency are often paired with a more proficient student for translation purposes. Appropriate modification of coursework often does not occur. See also CVTE 35.

CRITERION NUMBER	
	Legal Standard
CVTE 6	Individuals are appropriately admitted to the /district/school (if applicable) and/or to career/vocational technical education programs within the district/school. <i>Perkins Section 122, Vocational Technical Education Regulations 603 CMR 4.03(4). M.G.L. c. 76 Section 5.</i>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Interviews and documentation indicate that the district's criteria for program or course selection is not provided in writing or otherwise published.

CRITERION NUMBER	
	Legal Standard
CVTE 7	The programs in which students are enrolled meet the Perkins IV definition of career and technical education. <i>Perkins Sections 3 & 135</i>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
CVTE 8	The district accurately reports students enrolled in career/vocational technical education programs in the Department of Elementary and Secondary Education's Student Information Management System (SIMS). <i>Perkins Section 113, Vocational Technical Education Regulations 603 CMR 4.05</i>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	CAREER/VOCATIONAL TECHNICAL EDUCATION III. PARENT AND COMMUNITY INVOLVEMENT
	Legal Standard
CVTE 9	Representatives of local business/industry, organized labor, registered apprenticeship programs, postsecondary institutions (including registered apprenticeship programs), special populations, parents/guardians, students, teachers and other appropriate individuals are involved in the development, implementation, and review of career/vocational technical programs. <i>Perkins Section 135, M.G.L. c.74 Section 6, Vocational Technical Education Regulations 603 CMR 4.03 (1)</i>
	Rating: Not Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Interviews and documentation revealed that no programs have advisory committees, or any other mechanism for receiving input from business, community groups, postsecondary institutions, special populations, and other appropriate individuals. See also CVTE 29 and 30.

CRITERION NUMBER	
	Legal Standard
CVTE 10	A Career Plan for each student enrolled in a career/vocational technical education programs is developed with the involvement of parents/guardians. <i>Perkins Sections 3 & 118, Vocational Technical Education Regulations 603 CMR 4.03(4)</i>
	Rating: Not Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Documentation and interviews indicate that the district does not currently prepare Career Plans for students. Finally, there is no apparent process in place to translate career plans into languages other than English. See also CVTE 35.

CRITERION NUMBER	CAREER/VOCATIONAL TECHNICAL EDUCATION IV. CURRICULUM AND INSTRUCTION
	Legal Standard
CVTE 11	Programs are structured so that students acquire occupational safety & health knowledge and skills. <i>Perkins Section 135, M.G.L. c. 74 Section 2, Vocational Technical Education Regulations 603 CMR 4.03 (4) 4.06</i>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Interviews and documentation reveal there is not consistent implementation of safety knowledge and skills instruction in all shops. Some shops have started implementing the ten hour OSHA training, but this is not universal.

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

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

Department of Elementary and Secondary Education Findings:

Interviews and documentation reveal that academic knowledge and skills are not integrated into all career and technical education programs.

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

Department of Elementary and Secondary Education Findings:

Interviews and documentation reveal that acquisition of employability knowledge and skills is not required for all students enrolled in career and technical education programs.

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

Department of Elementary and Secondary Education Findings:

Interviews and documentation reveal that acquisition of management and entrepreneurship skills is not required for all students enrolled in career and technical education programs.

CRITERION NUMBER	
	Legal Standard
CVTE 16	Programs are structured so that students acquire technological (computer, etc.) knowledge and skills. <i>Perkins Section 135, M.G.L. c. 74 Section 2, Vocational Technical Education Regulations 603 CMR 4.03 (4) 4.06</i>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Interviews and documentation reveal that technological (computer, etc) knowledge and skills are not required for all students enrolled in career and technical education programs.

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

Department of Elementary and Secondary Education Findings:

Interviews and documentation revealed that, although the district has linkages with a variety of postsecondary institutions, it has few articulation agreements.

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

Department of Elementary and Secondary Education Findings:

The district does not have a cooperative education program.

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

Department of Elementary and Secondary Education Findings:

Documentation and interviews revealed that:

- *The district has no system in place for CORI checks and CORI checks are inconsistently administered;*
- *Workers compensation verification is not routinely required;*
- *The district provided no evidence that it conducts worksite safety checks;*
- *There is no documentation of student attainment of knowledge and skills for students enrolled in these activities (See also CVTE 3);*
- *There is no worksite agreement between school, employer, student, and (if necessary) parent/guardian provided;*
- *There is no evidence that the district has a process to ensure that a student obtains a work permit, if required: and*

These findings also pertain to internship programs offered by the alternative high school. See also CVTE 21.

CRITERION NUMBER	
	Legal Standard
CVTE 20	Unpaid off-campus construction and maintenance projects are appropriately implemented. <i>Vocational Technical Education Regulations 603 CMR 4.06; M.G.L.c.142, Section 3A.</i>
	Rating: Not Applicable District Response Required: No

Department of Elementary and Secondary Education Findings:

The district does not have any unpaid off-campus construction and maintenance projects.

CRITERION NUMBER	
	Legal Standard
CVTE 21	The needs of students in alternative education are adequately addressed (if applicable). Alternative Education is an instructional approach under the control of a school committee that is offered to "at-risk" students in a nontraditional setting. "At-risk" students may include those who are pregnant/parenting teens, truant students, and suspended or expelled students, returned dropouts, delinquent youth, or other students who are not meeting local promotional requirements. Alternative Education may operate as a program or as a separate self-contained school. Alternative Education does not include private schools, home schooling, school choice, General Educational Development (GED), or gifted and talented programs. Alternative Education also does not include programs exclusively serving students receiving special education services or career/vocational technical education. Perkins Section 122

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

Department of Elementary and Secondary Education Findings:

Documentation and interviews indicate that the needs of all students with disabilities are not addressed by this program, as the building in which the alternative school is housed is not accessible to physically disabled students. Also, work-based learning opportunities offered by the alternative high school do not adhere to applicable laws and regulations. See also CVTE 19.

CRITERION NUMBER	CAREER/VOCATIONAL TECHNICAL EDUCATION V. STUDENT SUPPORT SERVICES
	Legal Standard
CVTE 22	Services including career guidance are provided to assist each student with a disability in the successful completion of a career/vocational technical education program, and the transition to employment and/or further education including registered apprenticeship programs. <i>Perkins Section 135; Vocational Technical Education Regulations 603 CMR 4.03(4).</i>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
CVTE 23	Services including career guidance are provided to assist each student from an economically disadvantaged family (including foster children) in the successful completion of a career/vocational technical education program, and the transition to employment and/or further education including registered apprenticeship programs. <i>Perkins Section 135; Vocational Technical Education Regulations 603 CMR 4.03(4).</i>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
CVTE 24	Services including career guidance are provided to assist each student with limited English proficiency in the successful completion of a career/vocational technical education program, and the transition to employment and/or further education including registered apprenticeship programs. <i>Perkins Section 135 Vocational Technical Education Regulations 603 CMR 4.03(4).</i>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Reviews of documentation and interviews reveal that students with limited English speaking proficiency are often paired with a more proficient student. Appropriate modification of coursework usually does not occur. See also CVTE 4, 5 and 35.

CRITERION NUMBER	
	Legal Standard
CVTE 25	Services including career guidance are provided to assist each student that is preparing for a career that would be nontraditional for their gender in the successful completion of a career/vocational technical education program, and the transition to employment and/or further education including registered apprenticeship programs. <i>Perkins Section 135; Vocational Technical Education Regulations 603 CMR 4.03(4).</i>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
CVTE 26	Services including career guidance are provided to assist each student that is a single parent (including a single pregnant student) in the successful completion of a career/vocational technical education program, and the transition to employment and/or further education including registered apprenticeship programs. <i>Perkins Section 135; Vocational Technical Education Regulations 603 CMR 4.03(4)</i>
	Rating: Implemented District Response Required: No

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

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

CRITERION NUMBER	CAREER/VOCATIONAL TECHNICAL EDUCATION VII. SCHOOL & WORK-BASED FACILITIES AND EQUIPMENT
	Legal Standard
CVTE 29	Career/vocational technical education instructional facilities on-campus, and off -campus (cooperative education, internship and unpaid off-campus construction & maintenance sites) meet current occupational standards. <i>Perkins Section 135; Vocational Technical Education Regulations 603 CMR 4.03 (3) (4) (7)(8)</i>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Interviews and documentation revealed that, although the facilities are fairly new there is no process in place for industry review of program facilities, and no programs have advisory committees or other industry experts to perform facilities reviews. See also CVTE 9. See CVTE 31 for safety issues related to facilities.

RITERION NUMBER	
	Legal Standard
CVTE 30	Career/vocational technical education instructional equipment on-campus, and off - campus (at cooperative education, internship and unpaid off-campus construction & maintenance sites) meet current occupational standards. <i>Perkins Section 135, Vocational Technical Education Regulations 603 CMR 4.03 (3)(4)(7)(8)</i>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Interviews and documentation revealed that although teachers attempt to ensure that equipment meets current occupational standards, there is no process for industry review of program equipment, and no programs have advisory committees or other industry experts to perform equipment reviews. See also CVTE 9. See CVTE 32 for safety issues related to equipment.

CRITERION NUMBER	
	Legal Standard
CVTE 31	Career/vocational technical education instructional facilities on-campus, and off-campus (cooperative education, internship and unpaid off-campus construction & maintenance sites) meet current occupational safety and health standards. <i>Perkins Section 135, Vocational Technical Education Regulations 603 CMR 4.03 (3)(4)(7)(8)</i>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings: Reviews of documents, interviews and observations revealed the following safety findings:

Overall, in all classes:

*Doorways that are not exits are not marked appropriately.
Evacuation instructions are not posted in appropriate languages in all shops.*

Design Technology

*Students are not wearing safety glasses at all times during shop class. See CVTE # 11.
Overhead storage areas had no weight limits posted.
Items are placed within three feet of electrical services, such as circuit breakers.
The shop has no eyewash stations.
There is an objection to the emergency shutoff button.
Doorway that was not an exit was not marked appropriately.
A wall outlet has exposed wiring.
The tops of cabinets are used for storage representing a falling debris hazard.*

Graphic Technology

Electric cord on drill is frayed.

Television Production

In the electronics room, items are placed within three feet away of electrical services/circuit breaker units.

Ceramics (Room 186)

Improper footwear, such as open-toed sandals and “flip-flops” are in evidence, providing a risk of cuts from sharp and/or falling objects.

Doorways that are not exits are not marked appropriately.

Overhead storage areas had no weight limits posted.

Exits are blocked with materials.

The tops of cabinets are used for storage representing a falling debris hazard.

See also CVTE 32.

CRITERION NUMBER	
	Legal Standard
CVTE 32	Career/vocational technical education instructional equipment on-campus, and off - campus (at cooperative education, internship and unpaid off-campus construction & maintenance sites) meet current occupational safety and health standards. <i>Perkins Section 135, Vocational Technical Education Regulations 603 CMR 4.03 (3)(4)(7)(8)</i>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Reviews of documents, interviews and observations revealed the following violations of safety and health standards:

Heavy drill press machines and grinders are not bolted into the floor or placed on vibration absorbing pads.

On/Off switch plastic faceplate on the Techno saw is broken providing access to exposed wires. The faceplate must be replaced.

A planer without a guard is not being used. The cord needs to be removed or the machine removed from the shop area.

Sander—Safety instructions are not posted for this machine.

The Delta Drill Press has no guard.

Graphic Design

Paper Drill that is never used is still capable of being “powered up.” The cord must be cut or the machine must be removed from the shop area.

CRITERION NUMBER	CAREER/VOCATIONAL TECHNICAL EDUCATION VIII. PROGRAM EVALUATION
	Legal Standard
CVTE 33	The district meets the Final Agreed-Upon Performance Level (FAUPL) for each Perkins IV Core Indicator of Performance, and the required Chapter 74 outcomes for each Chapter 74-approved vocational technical education programs. <i>Perkins Section 113, Vocational Technical Education Regulations 603 CMR 4.05</i>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

The new Perkins IV Final Agreed-Upon Performance Levels for the Perkins IV core indicators have not as yet been negotiated with the district because the development of the new system under Perkins IV is still underway. However, under Perkins III, the district performed as follows in terms of the Perkins III core indicators:

Perkins III Core Indicator I: MCAS results for the class of 2007 First Time 10th Grade Test Takers

For fiscal year 2007-2008, the district did not meet or fall within 90% of the state goal of 51.44% for Core Indicator I for each population as follows:

- *Students with disabilities enrolled in career/vocational technical education programs at 0.00%.*

Perkins III Core Indicator II: Attainment of a Secondary School Diploma

The district did not meet or fall within 90% of the state goal of 93.15% for Core Indicator II for each population as follows:

- 1. All students at 78.31%.*
- 2. Students with Disabilities at 66.67 %.*
- 3. Students with limited English proficiency at 57.54%.*
- 4. Students who are economically disadvantaged at 71.83 %.*

Perkins III Core Indicator IV-A: Nontraditional Enrollment, enrollment of nontraditional students as a % of total enrollment in nontraditional programs and Core Indicator IV-B: Nontraditional Completion, graduates from nontraditional programs as a percent of total graduates from nontraditional programs

The district did not meet the state goal to come within 90% of the state goal of 10.85% for Core Indicator IV-A with 3.35 %, and did not meet the state goal or come within 90% of the state goal of 11.00% for Core Indicator IV-B with 7.15%.

CRITERION NUMBER	
	Legal Standard
CVTE 34	The district uses the Perkins Act Core Indicator of Performance outcomes and Chapter 74 outcomes to improve programs and outcomes for students. <i>Perkins Section 113, Vocational Technical Education Regulations 603 CMR 4.05</i>

CRITERION NUMBER	
	Legal Standard
	Rating: Not Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Interviews and documentation indicated that the district does not use the Perkins Act Core Indicator of Performance outcomes to improve programs and outcomes for students

CRITERION NUMBER	CAREER/VOCATIONAL TECHNICAL EDUCATION IX. RECORDKEEPING AND FUND USE
	Legal Standard
CVTE 35	Student records contain the items listed in the Student Record Review Checklist. <i>Perkins Sections 5 & 113, Vocational Technical Education Regulations 603 CMR 4.03 (4) (c) (d), MA Student Records Regulations 603 CMR 23.00.</i>
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Reviews of student records revealed that student records did not contain the following information:

- 1. Documentation that assessment results and guidance activities are used in planning the student's program of study using a Career Plan.*
- 2. Documentation of the student's acquisition of safety and health, technical, academic employability, management and entrepreneurship, and technological knowledge and skills.*
- 3. Documentation that supplemental services are provided if the student is a member of a special population.*
- 4. Documentation of support for students enrolled in programs that are nontraditional for their gender.*

See also CVTE 1, 2, 3, 5, and 10.

CRITERION NUMBER	
	Legal Standard
CVTE 36	The district submits accurate Career/Vocational Technical Education Graduate One-Year Follow-up Reports and has appropriate back-up documentation. <i>Perkins Section 113, Vocational Technical Education Regulations 603 CMR 4.05</i>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
CVTE 37	Perkins Local Plans/Updates/Standard Contract Forms and Application for Program Grants are appropriately designed, amended and locally monitored. <i>Perkins Sections 13 and 201</i>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
CVTE 38	The district uses Perkins funds in accordance with statutory fund-use rules, including supplement not supplant provisions. <i>Perkins Sections 135</i>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
CVTE 39	The district has adequate financial resources to enable the programs to meet current industry and Occupational Safety and Health Administration (OSHA) standards with respect to facilities, safety, equipment and supplies. <i>Vocational Technical Education Regulations 603 CMR 4.03 (8)</i>
	Rating: Not Applicable District Response Required: No

Department of Elementary and Secondary Education Findings:

This criterion applies only to Chapter 74-approved vocational technical education programs.

This Coordinated Program Review Final Report is also available at:
<http://www.doe.mass.edu/pqa/review/cpr/reports/>.
Profile information supplied by each charter school and school district, including information for
individual schools within districts, is available at
<http://profiles.doe.mass.edu/>.

SE, MOA, ELE, CVTE – 2008.doc

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Prepared by: LS/VRK