



Massachusetts Department of Elementary and Secondary Education

350 Main Street, Malden, Massachusetts 02148-5023

Telephone: (781) 338-3700
TTY: N.E.T. Relay 1-800-439-2370

September 18, 2008

Anthony Polito, Superintendent
Athol Royalston Regional School District
P.O. Box 968
Athol, MA 01331

Re: Mid-cycle Report

Dear Superintendent Polito:

Enclosed is the Department of Elementary and Secondary Education's Mid-cycle Report. This report contains findings based on onsite monitoring the Department conducted to determine the effectiveness of corrective action it approved or ordered to address noncompliance identified in your district's last Coordinated Program Review Report, dated June 23, 2005. The Mid-cycle Report also contains findings based on onsite monitoring of special education compliance criteria that have been created or substantially changed in response to IDEA 2004.

While the Department of Elementary and Secondary Education found your district to have resolved certain noncompliance issues, others were partially corrected or not addressed at all, or the Department's onsite team identified new issues of noncompliance, including but not limited to noncompliance with special education criteria added or substantially changed in response to IDEA 2004. Where the district has failed to implement its Coordinated Program Review Corrective Action Plan, the Department views these findings to be serious. The Office of Special Education Programs of the U.S. Department of Education requires that all special education noncompliance be corrected as soon as possible, but in no case later than one year from the time of identification; where the district has failed to implement its CPR Corrective Action Plan, this one-year period has long since passed.

In all instances where noncompliance has been found, the Department has prescribed corrective action for the district that must be implemented immediately. In the case of new findings of noncompliance, this corrective action must be corrected as soon as possible, but in no case later than a year from the date of this report. You will find these requirements for corrective action included in the enclosed report, along with requirements for progress reporting. Please provide the Department with your written assurance that all of the Department's requirements for corrective action will be implemented by your district within the timelines specified in the report. You must

submit your statement of assurance to me by **October 6, 2008**.

Your staff's cooperation throughout this Mid-cycle Review is appreciated. Should you like clarification of any part of our report, please do not hesitate to contact me at 781-338-3713.

Sincerely,

Kimberly Minnucci, Mid-cycle Review Chairperson
Program Quality Assurance Services

Darlene A. Lynch, Director
Program Quality Assurance Services

c: Mitchell D. Chester, Ed.D., Commissioner of Elementary and Secondary
Education
Patricia Byrnes, Special Education Director

Encl.: Mid-cycle Report

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
MID-CYCLE REPORT**

Athol Royalston Regional School District

Date of Coordinated Program Review (CPR) Final Report: June 23, 2005

Date Coordinated Program Review Corrective Action Approved or Ordered: October 20, 2005

Dates of Corrective Action Plan Progress Reports: Feb. 6, 2006; May 11, 2006, Oct. 13, 2006; Feb. 19, 2007; Sep. 20, 2007; & Dec. 20, 2007

Dates of this Mid-cycle Review Onsite Visit: May 26 & 27, 2008

Date of this Report: September 18, 2008

PLEASE NOTE THAT THIS REPORT IS IN SEVERAL SECTIONS.

Special Education Criteria Cited in CPR Report and Monitored in Mid-cycle

Current CPR criteria available by scrolling down to the monitoring instruments at <http://www.doe.mass.edu/pqa/review/cpr/default.html>

Criterion Number/ Topic	Approved Corrective Action Implemented and Effective ✓	Method(s) of Verification	Basis of Determination that Corrective Action was Implemented and has been Effective	Corrective Action <u>Not Implemented</u> or <u>Not Effective</u> or <u>New Issues Identified</u> ✓	Basis of Determination that Implementation of Corrective Action was Incomplete or Ineffective or Basis of Finding of New Noncompliance	Required Corrective Action, Timelines for Implementation, and Progress Reporting
SE 1 Assessments are appropriately selected and interpreted	Partial	Document review Student records Interviews	Tests and other evaluation materials used by the district are validated.	Partial	Assessments are not always administered and interpreted by a trained individual. Staff members do not always administer educational assessments.	Please conduct training for the appropriate staff regarding the use of required assessments, specifically, the completion of educational status and teacher assessments. Please submit an agenda and staff attendance sheet by November 17, 2008. Please submit by March 16, 2009 an administrative review of all

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						<p>initial evaluations conducted since the training. Include;</p> <ol style="list-style-type: none"> 1.The number of students evaluated 2.The number that included the administration of educational and teacher assessments. 3. Please include the name of the person responsible for ensuring compliance with this criterion and any steps taken by the district to correct any areas of non-compliance. 4. If continued noncompliance is identified, please indicate what additional corrective action the district initiated to remedy noncompliance.
SE 2 Required optional assessments	Partial	<p>Document review</p> <p>Student records</p> <p>Interviews</p>	Home assessments are conducted to collect pertinent family history.	Partial	Psychological assessments are not always conducted by a qualified/ licensed psychologist as required under 34 CFR 300.308(b).	<p>Please submit evidence of the appropriate credentials for the psychologist conducting psychological assessments by November 17, 2008.</p> <p>Please conduct by March 16, 2009 an administrative review of all evaluations conducted since November.</p> <p>Include;</p> <ol style="list-style-type: none"> 1. The number of students evaluated that required a psychological evaluation.

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						<p>2. The number of evaluations conducted by a licensed psychologist.</p> <p>3. Include the name of the person responsible for ensuring compliance with this criterion.</p> <p>4. If continued noncompliance is identified, please indicate what additional corrective action the district initiated to remedy noncompliance.</p>
SE 4 Reports of assessment results		Document review Student records	The report of assessment results are provided to parents at least two days before the IEP Team meeting upon the request of the parent.	✓	Please see SE 1 & 2 regarding the interpretations of required evaluations by qualified staff persons.	Please see SE 1 and 2 for the required elements of corrective action and the due dates for response by the district.
SE 9 Timeline for determining eligibility	✓	Document review Student records Interviews	<p>Meetings for initial evaluations and re-evaluations are completed within 45 days.</p> <p>After the completion of an evaluation, the parent is provided with either a proposed IEP and placement or a written explanation for the finding of no eligibility.</p>			

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SE 10 End of school year evaluations	✓	Document review Student records	If consent is received between 30 and 45 working days before the end of the school year, the district ensures that a Team meeting is scheduled to allow for the provision of a proposed IEP or finding of no eligibility within 14 days after the end of the school year.			
SE 15 Outreach by the school district	✓	Document review Interviews	The district has annual outreach for the transfer of students for whom special education may be needed.			
SE 16 Screening	✓	Document review Interviews	The district conducts screening for three and four year olds designed to review a child's development and to assist in the identification of those students who should be referred for an evaluation to determine eligibility for special education services.			

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SE 17 Initiation of services at age three	✓	Student records Interviews	The district implements procedures to ensure the effective transition of young children with disabilities from Early Intervention Programs through participation in transition planning conferences.			
SE 18A IEP development and content	✓	Interviews Student records	The IEP is completed addressing all elements of the most current IEP format provided by the Department. The district ensures that The IEP will not be changed at a higher administrative level.			
SE 18 B Determination of placement	✓	Interviews Student records	The Team determines the appropriate placement in which to deliver services on the student's IEP. (See SE 20)			
SE 19	✓	Interviews	If the Team finds a student eligible for special education			

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Extended evaluation		Student records	and finds the evaluation information insufficient to develop an IEP, the district may use an extended evaluation. The extended evaluation does not exceed 8 weeks and is not considered a placement.			
SE 20 Least restrictive environment		Interviews Student records		✓	The IEP Team does not always articulate in the nonparticipation justification statement of the IEP why the removal from the general education is considered critical to students with behavioral issues at the Ellen Bigelow School. Furthermore, placement into the substantially separate program at the Bigelow School is not determined by the needs and services identified on the IEP.	Please conduct professional development with IEP Team chairpersons regarding the development of the IEP, specifically, the non-participation justification, and the process for determining IEP placement. Please provide evidence of this training to the Department by November 17, 2008 . Please conduct by March 16, 2009 an administrative review consisting of IEPs for students placed in the substantially separate program at the Ellen Bigelow School to ensure IEP Teams document the basis for the child's removal from the general education program. Please indicate the following: 1. The number of student IEPs

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						<p>reviewed.</p> <p>2.The number that identified student participation in the general education program or the basis of the student's removal as stated on his/her IEP.</p> <p>3.Include the name of the person responsible for ensuring compliance with this criterion and any steps taken by the district to correct any areas of non-compliance.</p>
SE 22 IEP implementation and availability		Interviews Student records		✓	Interviews and student records indicated that the school does not always inform parents in writing of any delayed services, reasons for the delay, actions that the school district is taking to address a lack of space or personnel, and offer alternative methods to meet the goals on the accepted IEP.	<p>Please provide a memo to all Team Chairs on the requirement to inform parents, <i>with written notice</i>, whenever the district is unable to fully implement the programs and services described in agreed-to IEPs. Provide the Department with a copy of this memo and a list of the names the memo was sent to by November 17, 2008.</p> <p>Submit by March 16, 2009, an administrative review of student records for each building in the district. Indicate;</p> <p>1.The number of records reviewed 2.List from each school detailing any special education staff</p>

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						shortages 3.The number of records that contained a notice to parents indicating the shortage 4. Additional actions taken by the school district to remedy cases of non-compliance found 5. Identify the staff responsible for implementing these activities.
SE 25 Parent consent	✓	Interviews, Student records Document review	The district obtains written parental consent before conducting an initial evaluation and providing services proposed on the IEP.			
SE 29 Communications are in English and the primary language of the home	Partial	Interviews Document review Student records	IEPs are written in simple and commonly understood words and are in English and the primary language of the home if that language is not English.	Partial	Progress reports and other forms of communication are not sent in the native language of the family. Interpreters are not always fluent in the primary language of the home and familiar with special education procedures, programs, and services.	Please develop and submit a plan by November 17, 2008 for providing progress reports written in the primary language of the home. Please submit a plan describing how the district will make provisions for interpreters. Please provide by March 16, 2009 , an administrative review of all student files where the primary language is not English. Indicate: 1. The number of student records

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						<p>examined</p> <p>2. The number where progress reports are written in the primary language of the family</p> <p>3. Steps taken by the district to correct any areas of non-compliance. Include the person responsible for ensuring compliance with this criterion.</p>
SE 32 Parent Advisory Council		Interviews Document review Student records		✓	The district had a SPED PAC; however, it was recently disbanded.	<p>Develop and submit by November 17, 2008 a plan to revive the SPED PAC. Include any efforts to recruit members (i.e., announcements, newsletters etc. and the staff person responsible for outreach and coordination.)</p> <p>By March 16, 2009, submit the name of officers and members of the PAC and evidence of PAC meetings held this school year, including the mandated parent rights training.</p>

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SE 33 Involvement in the general education curriculum	✓	Interviews Student records	At least one Team member is familiar with the general education curriculum and is able to discuss an eligible student's access to the general education curriculum.			
SE 34 Continuum of alternative services	✓	Interviews Document review Student records	The district provides or arranges for the provision of each of the IEP elements of students in need of special education from the ages of three through twenty-one.			
SE 35 Assistive technology	✓	Interviews Student records	The district considers assistive technology for eligible students.			
SE 36 IEP implementation and financial responsibility	✓	Interviews Student records	The district over sees the implementation of each in-district and out-of-district IEP it proposes without expense to the child's parents.			

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<p>SE 40 Instructional grouping</p> <p>SE 41 Age span requirements</p>	Partial	<p>Interviews</p> <p>Student records</p> <p>Document review</p>	Most classes in the district are compliant with instructional grouping and age span requirements.	Partial	The Fundamental Life Skills class at the high school exceeds the maximum student capacity with 20 students who spend greater than 60% of their school day in this substantially separate class and an age span of greater than 48 months for one student in the class.	<p>Develop and submit a plan by November 17, 2008 to bring the Fundamental Life Skill class into compliance for these two criteria. Submit a waiver, if still needed, for any class having an age span greater than 48 months.</p> <p>Provide a student list by March 16, 2009 containing the teacher/ student ratio and DOB for students in the FLS class.</p>
SE 43 Behavioral interventions	✓	<p>Interviews</p> <p>Student records</p>	For a student whose behavior impedes his/her learning, the Team considers positive behavioral interventions and the possible need for a functional behavior assessment (FBA).			

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SE 44 Procedures for recording suspensions	✓	Interviews Document review Student records	The district has a procedure to record the number and duration of all suspensions.			
SE 47 Procedural requirements applied to students not yet determined eligible	✓	Interviews Student records	If, prior to a disciplinary action, the district has knowledge that a particular student may have a disability, the district makes all protections available to the student according to 34 CFR 300.534			
SE 48 Equal access to educational, nonacademic, extracurricular, and ancillary programs	✓	Interviews Student records	All students receiving special education services in the district have equal opportunity to participate in vocational, supportive, non-academic, and extra-curricula programs of the school.			

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SE 49 Related services	Partial	Interviews Student records	For each student found to require related service intervention, the district arranges for the provision of corrective and other supportive services in order to assist special education students to better access the regular education curriculum.	Partial	However, due to a district wide shortage of related service personnel, specifically speech and language pathologists, services are not always provided as stated on student IEPs and compensatory services are not always offered.	Develop and submit a plan by November 17, 2008 for offering compensatory services for those students who may not receive related services as stated on their 2008-09 SY IEP. Submit a sample letter that will be sent to notify parents of staff shortages that require notice regarding: 603 CMR 28.06 (2)(e)(2). Conduct by March 16, 2009 an administrative review of IEPs from each building to determine required compensatory related services. (See SE 22)
SE 50 Administrator of special education	✓	Interviews Document review	The district has a person to be its administrator of special education. The Administrator supervises all special education for the district and attempts to assure compliance with all state and federal laws. This administrator is also appropriately licensed.			

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<p>SE 51 Appropriate teacher licensure</p> <p>SE 52 Appropriate licensure and/or certification for related service providers</p>		Interviews Document review		✓	A number of individuals in the district who design and/or provide direct special education instruction and/or services are not appropriately licensed. This includes a psychologist and several special education teachers.	Conduct an administrative review by November 17, 2008 of all special education and related service personnel. Indicate; 1.The number of special education teachers and related service providers 2.The number of special educators and related service providers who hold appropriate licensure or current waivers. 3.Include the name of the person responsible for ensuring compliance with this criterion and any steps taken by the district to correct any areas of non-compliance. Submit a copy of the waiver application for any staff not appropriately licensed.
<p>SE 54 Professional development</p>	✓	Interviews Document review	The district ensures that all staff members are trained in state and federal special education laws, analyzing and accommodating diverse learning styles, and methods of collaboration among professionals.			

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SE 55 Special education facilities	Partial	Interviews Observation	The district provides appropriate settings for special education classes in most of its facilities.	Partial	The district does not provide facilities and classrooms for special education students that maximize the inclusion of students into the life of the school and minimizes the separation or stigmatization of eligible students at the Ellen Bigelow School. Specifically, the facilities at the Ellen Bigelow school are not at least equal and are physically separate from the facilities provided for general education students in the district.	Develop and submit a plan by November 17, 2008 for providing equitable space for the special education students currently placed at the Ellen Bigelow school.
SE 56 Education programs are evaluated	✓	Interviews Document review	Special education programs are regularly evaluated.			

Special Education Criteria Created or Revised in Response to IDEA-2004

Current CPR criteria available by scrolling down to the monitoring instruments at <http://www.doe.mass.edu/pqa/review/cpr/default.html>

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SE 3 Requirements for specific learning disability	✓	Document review Student records Interviews	When a student suspected of having a specific learning disability is evaluated, the Team creates a written determination, and all members sign the documentation.			
SE 6 ##1 - 3 Determination of Transition Services	✓	Document review Student records Interviews	The district discusses students' transition needs annually beginning when the student is 15 years old. For students graduating or approaching the age of twenty-two, the Team determines whether the student is likely to require continuing service from an adult human service agency.			
SE 8 IEP Team composition and attendance	Partial	Document review Student records Interviews	A representative of the school district who is qualified to provide special education services, knowledgeable about the general education curriculum, and knowledgeable about district resources attends all Team meetings.	Partial	A representative of the district who has the authority to commit resources is not always at Team meetings.	Please provide the Department with the district's plan to ensure that a representative with the authority to commit district resources attends every IEP Team meeting. Please identify who those personnel are for each building by name and title, and ensure that all

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						<p>appropriate personnel are made aware of the requirement, as well as the person responsible for oversight of the plan. Please provide this progress report by November 17, 2008.</p> <p>Please provide by March 16, 2009, a review of a sample of student records for Team meetings held at each building post October 2008 for evidence of the district representative that attended with the authority to commit district resources. Please indicate the number of records reviewed at each school, and the compliance rate at each school to the Department. Describe any additional corrective action taken, if noncompliance continues.</p>
SE 12 Frequency of re-evaluation	✓	Student records	The district, with parental consent, conducts a full re-evaluation consistent with the requirements of federal law.			
SE 13 Progress Reports and	Partial	Student records	The district provides progress reports for students on IEPs.	Partial	Progress reports are not always sent at least as often as parents are	Provide training to appropriate staff regarding the writing of progress reports that reflect

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content					<p>informed of the progress of non-disabled students.</p> <p>The information sent to parents in the progress reports does not always accurately reflect student annual goals and benchmarks.</p>	<p>student IEP goals and are sent as often as report cards. Submit an agenda and attendance sheet by November 17, 2008.</p> <p>Submit by March 16, 2009 an administrative review of special education student records from each building and progress reports sent since the training. Include;</p> <ol style="list-style-type: none"> 1.The total number of student records reviewed from each building 2.The number of progress reports that accurately reflect student IEP goals 3. The number of progress reports sent simultaneously as reports are sent for non-disabled students 4. Include the name of the person responsible for ensuring compliance with this criterion and any steps taken by the district to correct any areas of non-compliance.
SE 14 Review and revision of IEPs	✓	Student records	At least annually, a Team meeting is held to consider the student's progress and to review, revise, or develop a new IEP.			

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SE 25B Resolution of disputes	✓	Interviews Document review Student records	Within 15 days of receiving notice that a parent has made an official hearing request to Special Education Appeals, the district convenes a Team meeting to try to resolve the dispute.			
SE 39A Procedures for services to eligible private school students whose parents reside in the district	✓	Interviews Document review Student records	The district conducts child find activities and consults with private schools in accordance with federal laws. The district provides an evaluation for any private school child who resides in the district and who is referred for an evaluation.			

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SE 39B Services to eligible students in private schools in the district whose parents reside out of state	✓	Interviews Document review	The district currently has no students that meet this criteria; however, they have procedures in place should the occasion arise.			
SE 46 Procedures for suspension of students with disabilities more than 10 days	Partial	Document review Student records	The district has procedures for recording the number of suspensions and the duration.	Partial	<p>The district does not always conduct a manifestation determination meeting for students who demonstrate a pattern of behavior that could lead to suspensions exceeding ten cumulative days. Often these students are ‘placed’ at the Ellen Bigelow school for a “temporary cooling down” period.</p> <p>An IEP Team must conduct a manifestation determination before changing a student’s placement to a more restrictive setting.</p>	<p>Submit an agenda and the attendance for training, by October 15, 2008, for all appropriate faculty regarding the procedures for suspending students and conducting manifestation determinations.</p> <p>By March 16, 2009, conduct an administrative review of all eligible students suspended or placed at the Ellen Bigelow School since the training.</p> <p>Indicate:</p> <ol style="list-style-type: none"> 1. The total number of special education students suspended for more than ten days. 2. The number of special education students placed in Interim Alternate Education

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						<p>Settings (IAES) at the Bigelow School consistent with the requirements articulated under IDEA 2004 (please see 34 CFR 300.530 under the federal regulations) for placing students in such settings.</p> <p>3. The number of manifestation determination meetings conducted by school personnel at the Bigelow School.</p> <p>4. Include the name of the person responsible for ensuring compliance with this criterion and any steps taken by the district to correct any areas of non-compliance.</p>

Criteria from Other Regulated Programs Monitored During this Mid-cycle Review

Current CPR criteria available by scrolling down to the monitoring instruments at <http://www.doe.mass.edu/pqa/review/cpr/default.html>

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ELE 11 Equal Access to Academic Programs and Services	✓	Interviews, Document review & Student records	The district ensures that LEP students participate fully with their English-speaking peers and have access to the programs and services available to students within the district.			