



Massachusetts Department of
**ELEMENTARY & SECONDARY
EDUCATION**

Framingham Public School District

COORDINATED PROGRAM REVIEW REPORT OF FINDINGS

Dates of Onsite Visit: April 27 – May 1, 2009

Date of Draft Report: August 3, 2009

Date of Final Report: September 10, 2009

Action Plan Due: October 9, 2009

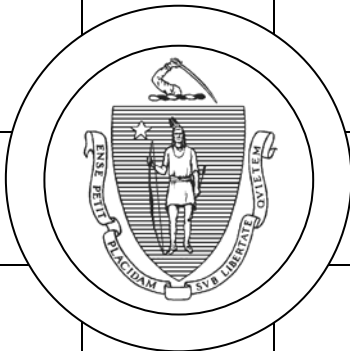
Department of Elementary and Secondary Education Onsite Team Members:

Anne Higgins

Susan Nichols

Elizabeth Holcombe

Marnie Jain



Mitchell D. Chester, Ed.D.
Commissioner of Elementary and Secondary Education

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

Framingham Public School District

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

Framingham 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, and the Massachusetts Board of Education's Special Education regulations (603 CMR 28.00), as amended effective March 1, 2007. The 2008-2009 reviews will focus primarily on criteria containing requirements that are highlighted in the Massachusetts State Performance Plan and reported on every year to the Office of Special Education Programs of the U.S. Department of Education.

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

- selected federal civil rights requirements, including 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.
- 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).
- various requirements under other federal and state laws.

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 2008-2009 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 conducts a Coordinated Program Review over two to ten days in a school district or charter school.

Timing: Each school district and charter school in the Commonwealth is scheduled to receive a Coordinated Program Review every six years and a mid-cycle special education follow-up visit three years after the Coordinated Program Review; about sixty school districts and charter schools are scheduled for Coordinated Program Reviews in 2008-2009. The Department's 2008-2009 schedule of Coordinated Program Reviews is posted on the Department's web site at <http://www.doe.mass.edu/pqa/review/cpr/cprschedule09.doc>. 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 selected for possible review. Within special education, reviews focus primarily on the 19 criteria marked by a triple asterisk (***) in the School District Information Package for Special Education. These 19 criteria mostly contain requirements that are highlighted in the Massachusetts State Performance Plan. Based on feedback, the Department agreed to add an additional 28 criteria to those Coordinated Program Reviews conducted during the period of March to June 2009. In any review, however, if circumstances warrant it, the Department may monitor additional special education criteria. For more details, please see the section on **Special Education Program Review Criteria** at the beginning of the School District Information Package for Special Education.

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 telephone 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 comments 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 comments from the Program Review. These comments will, once the district has had a chance to respond, form the basis for any findings by the Department. The district (and collaborative) will then have 10 business days to review the report for accuracy before the publication of a Final Report with ratings and findings (see below). 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 of Final Report:

Ratings. In the Final Report, the onsite team gives a rating for each compliance criterion it has reviewed; those ratings are "Commendable," "Implemented," "Implementation in Progress," "Partially Implemented," "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 in the Final Report 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 (CAP) will be due to the Department within 20 business days after the issuance of the Final Report and is subject to the Department's review and approval. Department staff will offer districts and charter schools technical assistance on the content and requirements for developing an approvable CAP.

Department staff will also provide ongoing technical assistance as the school or district is implementing the approved corrective action plan. **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.

INTRODUCTION TO THE FINAL REPORT

A three-member Massachusetts Department of Elementary and Secondary Education team visited Framingham Public Schools during the week of April 27, 2009 to evaluate the implementation of selected criteria in the program areas of special education, civil rights and other related general education requirements, English learner education and career/vocational/technical education. The team appreciated the opportunity to interview staff and parents, to observe classroom facilities and to review the programs underway in the district. The onsite team would like to commend the following areas that were brought to its attention and that it believes have a significant and positive impact on the delivery of educational services for students enrolled in the Framingham Public Schools. These areas are as follows:

In the area of English Learner Education, the district has implemented a best practice in facilitating parent involvement whereby each building has a staff member familiar with its unique population who hosts at least 4 activities for parents at the school in addition to the traditional know-your-school-night and parent teacher conferences.

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 48 teaching and support services staff across all levels.
- Interviews of five parent advisory council (PAC) representatives.
- Interviews as requested by persons from the general public.
- Student record reviews: Samples of 25 special education student records, 20 career/vocational student records and 25 English learner education student records were selected by the Department. These student records were first examined by local staff, whose Findings were then verified by the onsite team using standard Department record review procedures.
- Surveys of parents of students with disabilities: 50 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. 10 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. 8 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 all instructional classrooms and other school facilities used in the delivery of programs and services was visited to examine general levels of compliance with program requirements.

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

Component I: Assessment of Students

Component II: Student Identification and Program Placement

Component III: Parent and Community Involvement

Component IV: Curriculum and Instruction
Component V: Student Support Services
Component VI: Faculty, Staff and Administration
Component VII: School Facilities
Component VIII: Program Evaluation
Component IX: Recordkeeping and Fund Use

The findings in each program area explain the “ratings,” determinations by the team about the implementation status of the criteria reviewed. The ratings indicate those criteria that were found by the team to be substantially “Implemented” or implemented in a “Commendable” manner. (Refer to the “Definition of Compliance Ratings” section of the report.) Where criteria were found to be either “Partially Implemented” or “Not Implemented,” the district or charter school must propose to the Department corrective actions to bring those areas into compliance with the controlling statute or regulation. In some instances the team may have rated a requirement as “Implemented” or “Implementation in Progress” but made a specific comment on the district’s implementation methods that also requires response from the district or charter school.

Districts are expected to incorporate the corrective action into their district and school improvement plans, including their professional development plans.

**Framingham Public School District
SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT
RECEIVING A COMMENDABLE RATING
FROM THE DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

Special Education	Civil Rights and Other General Education Requirements	English Learner Education	Career/Vocational Technical Education
		ELE 7	

**Framingham Public School District
SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT
REQUIRING CORRECTIVE ACTION**

PROGRAM AREA	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED	OTHER CRITERIA REQUIRING RESPONSE
Special Education	SE 6, SE 7, SE 9, SE 18B, SE 34, SE 37, SE 41, SE 55		
Civil Rights and Other General Education Requirements	CR 3, CR 7, CR 7B, CR 7C, CR 9, CR 10A, CR 11A, CR 13, CR 14, CR 16, CR 21, CR 23		
English Learner Education	ELE 3, ELE 5, ELE 8, ELE 10, ELE 11, ELE 12, ELE 13, ELE 15, ELE 16, ELE 18		
Career/Vocational Technical Education	CVTE 3, CVTE 4, CVTE 5, CVTE 7, CVTE 8, CVTE 9, CVTE 10, CVTE 12, CVTE 13, CVTE 14, CVTE 15, CVTE 16, CVTE 17, CVTE 19, CVTE 21, CVTE 22, CVTE 24, CVTE 25, CVTE 27, CVTE 28, CVTE 29, CVTE 30, CVTE 31, CVTE 32, CVTE 33, CVTE 34, CVTE 35	CVTE 2, CVTE 6	

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 AND
FINDINGS**

CRITERION NUMBER			
	Legal Standard		
SE 5	<p>Participation in general State and district-wide assessment programs</p> <ol style="list-style-type: none"> 1. All students with disabilities whose placements are funded by the district are included in the Massachusetts Comprehensive Assessment System (MCAS) and other district-wide assessment programs. 2. The district's IEP Teams designate how each student will participate and, if necessary, provide an alternate assessment. 3. The superintendent of a school district--or, for a public school program that is not part of a school district, the equivalent administrator— <ol style="list-style-type: none"> a. files an MCAS performance appeal for a student with a disability when the student's parent or guardian or the student, if 18 or over, requests it, provided that the student meets the eligibility requirements for such an appeal; b. obtains the consent of the parent or guardian or the student, if 18 or over, for any MCAS performance appeal filed on behalf of a student with a disability; c. includes in the MCAS performance appeal, to the extent possible, the required evidence of the student's knowledge and skills in the subject at issue. <p>State Requirements St. 2003, c. 140, s. 119; 603 CMR 30.05(2),(3),(5)</p> <p style="text-align: right;">Federal Requirements 20 U.S.C. 1412(a)(16)</p>		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Rating: Implemented</td> <td style="width: 50%;">District Response Required: No</td> </tr> </table>	Rating: Implemented	District Response Required: No
Rating: Implemented	District Response Required: No		

CRITERION NUMBER	SPECIAL EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT
	Legal Standard
SE 15	<p>Outreach by the School District (Child Find)</p> <p>The district has annual or more frequent outreach and continuous liaison with those groups below from which promotion or transfer of students in need of special education may be expected, or which would include students in need of special education:</p> <ol style="list-style-type: none"> 1. professionals in community 2. private nursery schools 3. day care facilities 4. group homes 5. parent organizations 6. clinical /health care agencies

CRITERION NUMBER	SPECIAL EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT		
	Legal Standard		
	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 <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> State Requirements </div> <div style="width: 45%;"> Federal Requirements 34 CFR 300.111; 300.131; 300.209 </div> </div>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 20	Least restrictive program selected 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. <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> State Requirements G.L. c. 71B, § 3; 603 CMR 28.06(2) </div> <div style="width: 45%;"> Federal Requirements 34 CFR 300.114 – 120 </div> </div>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER				
	Legal Standard			
SE 22	<p>IEP implementation and availability</p> <ol style="list-style-type: none"> 1. Where the IEP of the student in need of special education has been accepted in whole or in part by that student's parent, the school district provides the mutually agreed upon services without delay. 2. At the beginning of each school year, the district has an IEP in effect for each eligible student within its jurisdiction. 3. Each teacher and provider described in the IEP is informed of his or her specific responsibilities related to the implementation of the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student under it. 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)</p> <p>Federal Requirements 34 CFR 300.323</p>			
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CRITERION NUMBER	SPECIAL EDUCATION III. PARENTAL INVOLVEMENT
	Legal Standard
SE 24	<p>Notice to parent regarding proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE</p> <ol style="list-style-type: none"> 1. A student may be referred for an evaluation by a parent or any person in a caregiving or professional position concerned with the student's development. 2. When a student is referred for an evaluation to determine eligibility for special education, the school district sends written notice to the child's parent(s) within 5 school days of receipt of the referral, 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

CRITERION NUMBER	SPECIAL EDUCATION III. PARENTAL INVOLVEMENT		
	Legal Standard		
	<p>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 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: Implemented	District Response Required:	No

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 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</p>		

CRITERION NUMBER			
	Legal Standard		
	<p>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: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 26	<p>Parent participation in meetings</p> <p>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.</p> <p>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.</p> <p>3. The district schedules the meeting at a mutually agreed upon time and place; and documents such efforts.</p> <p>4. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls, or video conferencing.</p> <p>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>		

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	Legal Standard			
SE 27	<p>Content of Team meeting notice to parents 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> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">State Requirements</td> <td style="width: 50%; border: none;">Federal Requirements 34 CFR 300.322(b)(1)(i)</td> </tr> </table>	State Requirements	Federal Requirements 34 CFR 300.322(b)(1)(i)	
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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.

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CRITERION NUMBER				
	Legal Standard			
SE 32	<p>Parent advisory council for special education</p> <ol style="list-style-type: none"> 1. The school district has established a district-wide parent advisory council on special education. 2. Membership on the council is offered to all parents of children with disabilities and other interested parties. 3. The parent advisory council duties include but are not limited to: advising the district on matters that pertain to the education and safety of students with disabilities; meeting regularly with school officials to participate in the planning, development, and evaluation of the school district's special education programs. 4. The parent advisory council has established by-laws regarding officers and operational procedures. 5. The parent advisory council receives assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff and resources. 6. The school district conducts, in cooperation with the parent advisory council, at least one workshop annually within the district on the rights of students and their parents and guardians under the state and federal special education laws. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">State Requirements G.L. c. 71B, § 3; 603 CMR 28.03(1)(a)(4); 28.07(4)</td> <td style="width: 50%; border: none;">Federal Requirements</td> </tr> </table>	State Requirements G.L. c. 71B, § 3; 603 CMR 28.03(1)(a)(4); 28.07(4)	Federal Requirements	
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Rating: Implemented	District Response Required:	No		

CRITERION NUMBER	SPECIAL EDUCATION IV. CURRICULUM AND INSTRUCTION		
	Legal Standard		
SE 33	<p>Involvement in the general curriculum</p> <ol style="list-style-type: none"> 1. Reserved. 2. Reserved. 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</p> <p>The district provides or arranges for the provision of each of the elements of the IEPs of students in need of special education from the ages of three through twenty-one, ensuring that a continuum of services and alternative placements is available to meet the needs of all students with disabilities, and takes all steps necessary to ensure compliance with all elements of the IEPs, including vocational education.</p> <p>State Requirements 603 CMR 28.05(7)(b)</p> <p style="text-align: right;">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:

Student records and staff interviews indicated that at the Thayer campus alternative school, related services as indicated on the IEP for speech, and time for academic support and specialized instruction with a licensed special educator as indicated on the IEP grid, are not always provided because the school has 52 students with IEPs and only one special education teacher assigned to the building. There is no qualified speech and language provider made available at that campus.

CRITERION NUMBER	
	Legal Standard
SE 37	<p>Procedures for approved and unapproved out-of-district placements</p> <ol style="list-style-type: none"> 1. <u>Individual student program oversight</u>: The school district monitors the provision of services to and the programs of individual students placed in public and private out-of-district programs. Documentation of monitoring plans and all actual monitoring are placed in the files of every eligible student who has been placed out-of-district. To the extent that this monitoring requires site visits, such site visits are documented and placed in the students' files for review. The duty to monitor out-of-district placements is not delegated to parents or their agents, to the Department of Elementary and Secondary Education, or to the out-of-district placement. 2. <u>Student right to full procedural protections</u>: The school district retains full responsibility for ensuring that the student is receiving all special education and related services in the student's IEP, as well as all procedural protections of law and regulation. Any Team meetings conducted during the time that a student is enrolled in the out-of-district program are initiated by the school district in coordination with the out-of-district placement. 3. <u>Preference to approved programs</u>: The school district, in all circumstances, first seeks to place a student in a program approved by the Department pursuant to the requirements of 603 CMR 28.09. Preference is also given to approved programs located within the Commonwealth of Massachusetts if the choice of such program is consistent with the needs of the student and the choice of such program complies with LRE requirements. When an approved program is available to provide the services on the IEP, the district makes such placement in the approved program in preference to any program not approved by the Department. 4. <u>Written contracts</u>: The school district enters into written contracts with all public and private out-of-district placements. At a minimum, such contracts meet the content requirements of 28.06(3)(f)(1-5). 5. <u>Use of unapproved programs</u>: A school district that places a student in a program that has not been approved by the Department according to the requirements under 603 CMR 28.09 ensures that such programs and services are provided in appropriate settings by appropriately credentialed staff able to deliver the services on the student's IEP. Students placed by the school district in such programs are entitled to the full protections of state and federal special education law and regulation. 6. <u>Placement documentation</u>: The following documentation is maintained by the school district pursuant to its placement of children in unapproved out-of-district programs: <ol style="list-style-type: none"> a. <u>Search</u>: The administrator of special education documents the search for and unavailability of a program approved by the Department. The administrator places such documentation in the student record. b. <u>Evaluation of facility</u>: The administrator of special education or his/her

CRITERION NUMBER	
	Legal Standard
	<p>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 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 before placing the student into the program by sending ESE a completed mandated 28M3 form titled “Notice of Intent to Seek Approval for Individual Student Program” and all the required supporting documentation (i.e., completed pricing forms, signed written contract that will govern such placement, and monitoring plan pursuant to 603 CMR 28.06(3)(b)). The district maintains copies of this documentation, as well as 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. The district maintains documentation of actual monitoring of the unapproved placement, including any site visits made and other monitoring activities undertaken by the school district.</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</p>

CRITERION NUMBER				
	Legal Standard			
	<p style="text-align: center;">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> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>State Requirements 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> </td> <td style="width: 50%; vertical-align: top;"> <p>Federal Requirements 34 CFR 300.2(c)</p> </td> </tr> </table>	<p>State Requirements 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>	<p>Federal Requirements 34 CFR 300.2(c)</p>	
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Rating: Partially Implemented	District Response Required:	Yes		

Department of Elementary and Secondary Education Findings:

Documents, student records, and interviews indicated that although the district has monitoring forms for out-of-district placed students, the form is not consistently completed and does not adequately represent that the district did not delegate the duty to monitor to the private school.

CRITERION NUMBER				
	Legal Standard			
SE 45	<p>Procedures for suspension up to 10 days and after 10 days: General requirements</p> <ol style="list-style-type: none"> 1. Any eligible student may be suspended up to 10 days in any school year without implementation of procedures described in criterion SE 46 below. 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. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>State Requirements G.L. c. 76, §§ 16-17</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Federal Requirements 34 CFR 300.530-300.537</p> </td> </tr> </table>	<p>State Requirements G.L. c. 76, §§ 16-17</p>	<p>Federal Requirements 34 CFR 300.530-300.537</p>	
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Rating: Implemented	District Response Required:	No		

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. When a suspension 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 within 10 days of the decision to suspend to review all relevant information in the student’s file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district’s failure to implement the IEP—“a manifestation determination.” 3. If district personnel, the parent, and other relevant members of the Team determine that the behavior is <u>NOT</u> a manifestation of the disability, then the suspension or expulsion may go forward consistent with policies applied to any student without disabilities, except that the district must still offer: <ol style="list-style-type: none"> a. services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals; and b. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur. 4. <u>Interim alternative educational setting.</u> Regardless of the manifestation determination, the district may place the student in an interim alternative educational setting (as determined by the Team) for up to 45 school days <ol style="list-style-type: none"> a. on its own authority if the behavior involves weapons or illegal drugs or another controlled substance or the infliction of serious bodily injury on another person while at school or a school function or, considered case by case, unique circumstances; or b. on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is “substantially likely” to injure him/herself or others. <p><u>Characteristics.</u> In either case, the interim alternative education setting enables the student to continue in the general curriculum and to continue receiving services identified on the IEP, and provides services to address the problem behavior.</p> 5. If district personnel, the parent, and other relevant members of the Team determine that the behavior <u>IS</u> a manifestation of the disability, then the Team completes a functional behavioral assessment and behavioral intervention plan if it has not already done so. If a behavioral intervention plan is already in place, the Team reviews it and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational

CRITERION NUMBER				
	Legal Standard			
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">State Requirements 603 CMR 28.06(5)</td> <td style="width: 50%; border: none;">Federal Requirements 34 CFR 300.101 – 300.113</td> </tr> </table>	State Requirements 603 CMR 28.06(5)	Federal Requirements 34 CFR 300.101 – 300.113	
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Rating: Implemented	District Response Required:	No		

CRITERION NUMBER				
	Legal Standard			
SE 52A	<p>Registration of educational interpreters Providers of interpreting services for students who are deaf or hard of hearing must be registered with the Massachusetts Commission for the Deaf and Hard of Hearing.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">State Requirements 603 CMR 28.02(3),(18)</td> <td style="width: 50%; border: none;">Federal Requirements 34 CFR 300.34; 300.156(b)</td> </tr> </table>	State Requirements 603 CMR 28.02(3),(18)	Federal Requirements 34 CFR 300.34; 300.156(b)	
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Rating: Implemented	District Response Required:	No		

CRITERION NUMBER				
	Legal Standard			
SE 53	<p>Use of paraprofessionals</p> <ol style="list-style-type: none"> 1. Reserved. 2. Persons employed as paraprofessionals and assistants do not design instruction for students with disabilities but are expected to implement instruction under the supervision of an appropriately certified or licensed professional who is proximate and readily available to provide such supervision. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">State Requirements</td> <td style="width: 50%; border: none;">Federal Requirements 34 CFR 300.156</td> </tr> </table>	State Requirements	Federal Requirements 34 CFR 300.156	
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Rating: Implemented	District Response Required:	No		

CRITERION NUMBER	SPECIAL EDUCATION VII. SCHOOL FACILITIES										
	Legal Standard										
SE 55	<p data-bbox="407 464 935 491">Special education facilities and classrooms</p> <p data-bbox="407 495 1317 525">The school district provides facilities and classrooms for eligible students that</p> <ol data-bbox="407 529 1317 793" 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. <table data-bbox="407 863 1357 961"> <tr> <td data-bbox="407 863 841 890">State Requirements</td> <td data-bbox="883 863 1166 890">Federal Requirements</td> <td colspan="2"></td> </tr> <tr> <td data-bbox="407 894 667 924">603 CMR 28.03(1)(b)</td> <td data-bbox="883 894 1357 961">Section 504 of the Rehabilitation Act of 1973</td> <td colspan="2"></td> </tr> </table>			State Requirements	Federal Requirements			603 CMR 28.03(1)(b)	Section 504 of the Rehabilitation Act of 1973		
State Requirements	Federal Requirements										
603 CMR 28.03(1)(b)	Section 504 of the Rehabilitation Act of 1973										
	Rating: Partially Implemented	District Response Required:	Yes								

Department of Elementary and Secondary Education Findings:

Staff interviews and observation of the space provided for the substantially separate language based students at the high school indicated that the space is in an anteroom to an office which is used by another group of students for class and this other group must pass through the learning space of the special needs students to enter or exit from their assigned room.

Additional Criterion or Criteria Reviewed for this CPR:

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>State Requirements 603 CMR 28.04 603 CMR 28.05</p> <p>Federal Requirements 34 CFR 300.304; 300.305; 300.306(c)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	
	Legal Standard
SE 2	<p>Required and optional assessments</p> <ol style="list-style-type: none"> 1. <u>Required assessments</u>: The following assessments are completed by appropriately credentialed and trained specialists for each referred student: <ol 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. 2. <u>Optional assessments</u>: The Administrator of Special Education may recommend or the parent may request one or more of the following: <ol style="list-style-type: none"> a. A comprehensive health assessment by a physician that identifies medical problems or constraints that may affect the student's education. The school nurse may add additional relevant health information from the student’s school health records. b. A psychological assessment by a certified school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination. c. A home assessment that may be conducted by a nurse, psychologist, social worker, guidance or adjustment 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 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: <ol style="list-style-type: none"> a. that no further assessments are needed and the reasons for this; and b. the right of such parents to request an assessment.

CRITERION NUMBER				
	Legal Standard			
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">State Requirements 603 CMR 28.04 (1) and (2)</td> <td style="width: 50%; border: none;">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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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 style="text-align: right;">Federal Requirements 34 CFR 300.8(c)(10); 300.311</p>			
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Rating: Implemented	District Response Required:	No		

CRITERION NUMBER				
	Legal Standard			
SE 4	<p>Reports of assessment results</p> <ol style="list-style-type: none"> 1. Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impression, and shall define in detail and in educationally relevant and common terms, the student's needs, offering explicit means of meeting them. Assessors may recommend appropriate types of placements, but shall not recommend specific classrooms or schools. 2. Summaries of assessments are completed prior to discussion by the Team and, upon request, are made available to the parent at least two days in advance of the Team discussion. <p>State Requirements 603 CMR 28.04(2)(c)</p>			
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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 border="0" data-bbox="402 1045 1406 1150"> <tr> <td data-bbox="402 1045 808 1079">State Requirements</td> <td data-bbox="808 1045 1230 1079"></td> <td data-bbox="1230 1045 1406 1079">Federal Requirements</td> </tr> <tr> <td data-bbox="402 1079 808 1113">G.L.c.71B, Sections 12A-C</td> <td data-bbox="808 1079 1230 1113"></td> <td data-bbox="1230 1079 1406 1113">34 CFR 300.320(b); 300.321(b);</td> </tr> <tr> <td data-bbox="402 1113 808 1146">603 CMR 28.05(4)(c)</td> <td data-bbox="808 1113 1230 1146"></td> <td data-bbox="1230 1113 1406 1146">300.322(b)(2); 300.324(c)</td> </tr> </table>			State Requirements		Federal Requirements	G.L.c.71B, Sections 12A-C		34 CFR 300.320(b); 300.321(b);	603 CMR 28.05(4)(c)		300.322(b)(2); 300.324(c)
State Requirements		Federal Requirements										
G.L.c.71B, Sections 12A-C		34 CFR 300.320(b); 300.321(b);										
603 CMR 28.05(4)(c)		300.322(b)(2); 300.324(c)										
	Rating: Partially Implemented	District Response Required:	Yes									

Department of Elementary and Secondary Education Findings:

The student records and staff interviews indicated that many records did not have completed transition planning forms; also the records indicated that transition needs were not discussed annually.

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. 		

CRITERION NUMBER			
	Legal Standard		
	<p>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.</p> <p>(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</p> <p>(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</p> <p>(c) The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to delegate continued decision-making to his or her parent, or other willing adult. Such choice is made in the presence of at least one representative of the school district and one other witness and is documented in written form and maintained in the student record.</p>	<p>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:

Student records and interviews indicated that at the time of this review, the district did not provide notice one year to the student reaching age eighteen.

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 		

CRITERION NUMBER			
	Legal Standard		
	<p>of resources of the district.</p> <p>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).</p> <p>4. 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.</p> <p>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.</p> <p>5. The student, if one purpose of the meeting is to discuss transition services or if otherwise appropriate and if he/she chooses.</p> <p>6. Other individuals at the request of the student's parents.</p> <p>7. Reserved</p> <p>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.</p> <p>9. Other individuals who may be necessary to write an IEP for the child, as determined by the Administrator of Special Education.</p> <p>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.</p> <p>11. Reserved</p> <p>12. When one purpose of the Team meeting is to discuss placement, a person knowledgeable about placement options is present at the meeting.</p> <p>13. Members of the Team attend Team meetings unless:</p> <p>a. the parent and district agree to use alternative means, such as a video conference or a conference call, for any Team meeting</p> <p>OR</p> <p>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> <p>State Requirements 603 CMR 28.02(21)</p> <p>Federal Requirements 34 CFR 300.116(a); 300.321; 300.328 See also, in the IDEA 97 regulations, 34 CFR Part 300, Appendix A, Question #22</p>		
	Rating: Implemented	District Response Required:	No

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

Department of Elementary and Secondary Education Findings:

Staff interviews and student records indicated that in school year 2008-2009 the district did not always meet the timeline requirements of this criterion due to a recent change in computer software used to track timelines.

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 		

CRITERION NUMBER				
	Legal Standard			
	<p>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> <p>State Requirements 603 CMR 28.05(1) and (2)</p> <p>Federal Requirements 34 CFR 300.8; 300.306</p>			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 33%;">Rating: Implemented</td> <td style="width: 33%;">District Response Required:</td> <td style="width: 33%;">No</td> </tr> </table>	Rating: Implemented	District Response Required:	No
Rating: Implemented	District Response Required:	No		

CRITERION NUMBER				
	Legal Standard			
SE 10	<p>End of school year evaluations If consent is received between 30 and 45 school working days before the end of the school year, the school district ensures that a Team meeting is scheduled so as to allow for the provision of a proposed IEP or written notice of the finding that the student is not eligible no later than 14 days after the end of the school year.</p> <p>State Requirements 603 CMR 28.05(1)</p> <p>Federal Requirements 34 CFR 300.323</p>			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 33%;">Rating: Implemented</td> <td style="width: 33%;">District Response Required:</td> <td style="width: 33%;">No</td> </tr> </table>	Rating: Implemented	District Response Required:	No
Rating: Implemented	District Response Required:	No		

CRITERION NUMBER	
	Legal Standard
SE 11	<p>School district response to parental request for independent educational evaluation 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.

CRITERION NUMBER			
	Legal Standard		
	<p>2. The school district has procedures to offer parents the option of participating in an income eligibility program for free or reduced cost independent educational evaluations that are equivalent to the types of assessments done by the school district.</p> <p>3. The district extends the right to a publicly funded independent educational evaluation (only if cost shared or funded for state wards or for students receiving free or reduced cost lunch) for sixteen (16) months from the date of the evaluation with which the parent disagrees.</p> <p>4. If the parent is requesting an evaluation in an area not assessed by the school district, or if the student does not meet or the parent does not choose to share the financial documentation regarding the income eligibility standards for free or reduced cost independent educational evaluation, then the school district responds in accordance with the requirements of federal law by paying for the independent educational evaluation or, within five school days, proceeding to Special Education Appeals to show that its evaluation was comprehensive and appropriate. Where the Department's Special Education Appeals finds that the school district's evaluation was comprehensive and appropriate, the school district does not pay for the independent educational evaluation requested by the parent.</p> <p>5. Whenever possible, the independent educational evaluation is completed and a written report sent no later than thirty (30) days after the date the parent requests the independent educational evaluation. If publicly funded, the report is sent to the parents and to the school district. The independent evaluator's report summarizes, in writing, procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator recommends appropriate types of placements but does not recommend specific classrooms or schools.</p> <p>6. Within ten (10) school days from the time the school district receives the report of the independent educational evaluation, the Team reconvenes and considers the independent educational evaluation (which may be publicly or privately funded) and whether a new or amended IEP is appropriate.</p>		
	State Requirements 603 CMR 28.04(5)	Federal Requirements 34 CFR 300.502	
	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. <p>State Requirements 603 CMR 28.04(3)</p> <p>Federal Requirements 34 CFR 300.303; 300.305(e)</p>				
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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>				
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Rating: Implemented	District Response Required:				
	No				

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>			
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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. 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. 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>			
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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>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 18B	<p>Determination of placement; provision of IEP to parent</p> <ol style="list-style-type: none"> 1. At the Team meeting, after the IEP has been fully developed, the Team determines the appropriate placement to deliver the services on the student's IEP. 2. Unless the student's IEP requires some other arrangement, the student is educated in the school that he or she would attend if the student did not require special education. 3. The decision regarding placement is based on the IEP, including the types of related services that are to be provided to the child, the type of settings in which those services are to be provided, the types of service providers, and the location at which the services are to be provided. 4. Reserved. 5. Immediately following the development of the IEP, the district provides the parent with two (2) copies of the proposed IEP and proposed placement along with the required notice, except that the proposal of placement may be delayed according to the provisions of 603 CMR 28.06(2)(e) in a limited number of cases. <p>State Requirements 603 CMR 28.05(6) and (7); 28.06(2)</p> <p>Federal Requirements 34 CFR 300.116; 300.325</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Student records and interviews indicated that the district does not always provide the parent with two copies of the proposed IEP and proposed placement immediately following the development of the IEP as required.

CRITERION NUMBER			
	Legal Standard		
SE 19	<p>Extended evaluation If the Team finds a student eligible for special education and finds the evaluation information insufficient to develop a full or partial IEP, the Team, with the parents' consent, agrees to an extended evaluation period.</p> <ol style="list-style-type: none"> 1. The extended evaluation period is not used to deny programs or services determined to be necessary by the Team. If, prior to the extended evaluation, the Team determines that sufficient information is available to determine, in part, necessary annual goals and services, the Team writes a partial IEP that, if accepted by the parent, is immediately implemented by the district while the extended evaluation is occurring. 2. The extended evaluation period is not used to allow additional time to complete the required assessments. 3. If the parent consents to an extended evaluation, the Team documents their findings and determines what evaluation time period is necessary and the types of information needed to develop an IEP. The Team may decide to meet at intervals during the extended evaluation, but in all cases reconvenes promptly to develop an IEP when the evaluation is complete. 4. The extended evaluation may extend longer than one week, but does not exceed eight school weeks. 5. The extended evaluation is not considered a placement. <p>State Requirements 603 CMR 28.05(2)(b)</p> <p style="text-align: right;">Federal Requirements</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 21	<p>School day and school year requirements</p> <ol style="list-style-type: none"> 1. The Team routinely considers the need for an educational program that is less than or more than the regular school day or school year, including extended day, or year, and/or residential services and indicates on the IEP why the shorter or longer program is necessary. 2. The daily duration of the child's program is equal to that of the regular school day unless the Team states that a different duration is necessary to provide a free appropriate public education to the child. In this case the Team specifies the daily duration of the program and states the reason for the different duration on the IEP. 		

CRITERION NUMBER			
	Legal Standard		
	<p>3. Specialized transportation schedules do not impede a student's access to a full school day and program of instruction.</p> <p>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.</p> <p>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.</p> <p>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> <p>State Requirements G.L. c. 69, § 1G 603 CMR 28.05(4)(d) and (5)(c)</p> <p>Federal Requirements 34 CFR 300.106</p>		
	Rating: Implemented	District Response Required:	No

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

CRITERION NUMBER			
	Legal Standard		
SE 25B	<p>Resolution of disputes</p> <ol style="list-style-type: none"> 1. Within 15 days of receiving notice that a parent has made an official hearing request to Special Education Appeals, the district convenes a meeting with the parent(s) and the relevant member(s) of the IEP Team, including a representative of the district with decision-making authority, to try to resolve the dispute. The resolution session may be waived if the district and the parents agree in writing to do so or if they agree to use mediation instead. 2. If the dispute is resolved at the resolution session, the parent(s) and a representative of the district with the authority to do so sign a legally binding agreement, enforceable in state or federal court. Any party may void this agreement within three business days of the signing. <p>State Requirements Federal Requirements 34 CFR 300.510</p>		
	Rating: Implemented	District Response Required:	No

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) Federal Requirements 34 CFR 300.17(a); 300.101-104; 300.154</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 38	<p>Special education in institutional settings (SEIS) 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 style="display: flex; justify-content: space-between;">State Requirements Federal Requirements</p> <p>603 CMR 28.06(9)</p>		
	Rating: Implemented	District Response Required:	No

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 		

CRITERION NUMBER			
	Legal Standard		
	<p>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 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> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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>		
	State Requirements G.L. c. 71B, section 2 603 CMR 28.03(1)(e)	Federal Requirements 34 CFR 300.130-144; 300.300(d)(4)	
	Rating: Implemented	District Response Required:	No

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 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>		

CRITERION NUMBER				
	Legal Standard			
	<table border="0"> <tr> <td>State Requirements 603 CMR 28.06(6)(f)</td> <td>Federal Requirements</td> </tr> </table>	State Requirements 603 CMR 28.06(6)(f)	Federal Requirements	
State Requirements 603 CMR 28.06(6)(f)	Federal Requirements			
	<table border="0"> <tr> <td>Rating: Partially Implemented</td> <td>District Response Required:</td> <td>Yes</td> </tr> </table>	Rating: Partially Implemented	District Response Required:	Yes
Rating: Partially Implemented	District Response Required:	Yes		

Department of Elementary and Secondary Education Findings:

Documents, student records, and staff interviews indicated that the instructional grouping for the English language arts class for the ST program at the high school, exceeds the age span requirements and no written request for an age span waiver was submitted to the Commissioner of Elementary and Secondary Education.

CRITERION NUMBER	SPECIAL EDUCATION V. STUDENT SUPPORT SERVICES				
	Legal Standard				
SE 43	<p>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.</p> <table border="0"> <tr> <td>State Requirements</td> <td>Federal Requirements 34 CFR 300.324(a)(2)(i)</td> </tr> </table>			State Requirements	Federal Requirements 34 CFR 300.324(a)(2)(i)
State Requirements	Federal Requirements 34 CFR 300.324(a)(2)(i)				
	Rating: Implemented	District Response Required:	No		

CRITERION NUMBER	
	Legal Standard
SE 47	<p>Procedural requirements applied to students not yet determined to be eligible for special education</p> <ol style="list-style-type: none"> 1. If, prior to the disciplinary action, a district had knowledge that the student may be a student with a disability, then the district makes all protections available to the student until and unless the student is subsequently determined not to be eligible. The district may be considered to have prior knowledge if: <ol style="list-style-type: none"> a. The parent had expressed concern in writing; or b. The parent had requested an evaluation; or c. District staff had expressed directly to the special education director or other supervisory personnel specific concerns about a pattern of behavior demonstrated by the student.

CRITERION NUMBER			
	Legal Standard		
	<p>The district may not be considered to have had prior knowledge if the parent has not consented to evaluation of the student or has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility.</p> <ol style="list-style-type: none"> 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

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

**LEGAL STANDARDS AND
FINDINGS**

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS II. STUDENT IDENTIFICATION AND PLACEMENT		
	Legal Standard		
<p>CR 3</p> <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; G.L. c. 71A, s. 7; c. 76, s. 5; 603 CMR 26.03</p>			
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Student records and staff interviews indicated that not all students have access to a full range of education programs. Specifically, students at the high school level who are identified as limited English proficient do not have access to early childhood vocational education programs, or honors level courses because of their language proficiency. In addition, please see CVTE 22.

CRITERION NUMBER			
	Legal Standard		
<p>CR 4</p> <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; G.L. c. 71A, s. 7; c. 71B, s. 6; c. 76, s. 5; 603 CMR 26.03</p>			
	Rating: Implemented	District Response Required:	No

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>			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 33%;">Rating: Implemented</td> <td style="width: 33%;">District Response Required:</td> <td style="width: 33%;">No</td> </tr> </table>	Rating: Implemented	District Response Required:	No
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>Title VI; EEOA: 20 U.S.C. 1703(f); 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:

Documentation and staff interviews indicated that not all important information and documents being distributed to parents are translated into the major languages of the district. The code of conduct and program of study at the middle and high school levels are not translated.

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>G.L. c. 69, § 1G; 603 CMR 27.03, 27.04</p>		
	Rating: Implemented	District Response Required:	No

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 G.L. c. 71, s. 3). The district's structured learning time may include directed study (activities directly related to a program of studies, with a teacher available to assist students), independent study (a rigorous, individually designed program under the direction of a teacher, assigned a grade and credit), technology-assisted learning, presentations by persons other than teachers, school-to-work 		

CRITERION NUMBER			
	Legal Standard		
	<p>programs, and statewide student performance assessments.</p> <ol style="list-style-type: none"> 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. 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>G.L. c. 69, § 1G; 603 CMR 27.02, 27.04</p>		
	<table border="1" style="width: 100%;"> <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
Rating: Partially Implemented	District Response Required: Yes		

Department of Elementary and Secondary Education Findings:

Documents, staff interviews, and student records indicated that at the high school there are non-directed study halls that are counted as structured learning time. Also, not all students at the high school level are required to participate in physical education all four years of high school as required by law and physical education is not offered to any student at the Thayer campus alternative school. The district does not have guidelines that explain clearly how hours spent by students in the Thayer school-to-work program are verified and there is no school-to-work coordinator or other such mechanism consistent with the requirements of this criterion whereby the district can verify work hours and/or to tie the work experience to the curricula. Finally, for those students at the Thayer campus who are unemployed, (35-40% of the student population at the time of this review) the district does not ensure structured learning time in compliance with the requirements of this criterion.

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>G.L. c. 69, § 1G; 603 CMR 27.05</p>

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

Department of Elementary and Secondary Education Findings:

Documents included a statement from the district that for the 2008-2009 school year, the early release of seniors was greater than 12 school days before the regular scheduled school closing.

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; G.L. c. 76, § 5; 603 CMR 26.06</p>			
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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.

CRITERION NUMBER	
	Legal Standard
	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); G.L. c. 76, § 5; 603 CMR 26.07(5)
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

The documentation review and staff interviews indicated that prospective employers for the students involved in school to work at the Thayer campus alternative school are not required to sign a statement that complies with the elements of this criterion.

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; G.L. c. 71, § 37H; 603 CMR 26.08</p>

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS V. STUDENT SUPPORT SERVICES		
	Legal Standard		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Documentation and staff interviews indicated that the high school principal does not consult with the school council regarding student handbooks which contain the code of conduct and that the school council does not review and revise the code of conduct every year as required by this criterion. The elementary and middle school handbooks do not contain appropriate procedures for the discipline of students with special needs and those with 504 Accommodation Plans. The codes of conduct do not contain language for the discipline of students not yet determined eligible for special education services. The Framingham High School 2008-2009 Student and Parent Handbook document includes a notice of non-discrimination; however, the notice is missing “sexual orientation” from the prohibition against discrimination.

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: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

The Framingham High School 2008-2009 Student and Parent Handbook document contains a section Guidelines for Recognizing and Dealing with Sexual Harassment; however, the contact information, including the name of the person(s) for reporting incidents of sexual harassment is not included in the handbook.

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; G.L. c. 76, § 5; 603 CMR 26.02(2)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CR 13	<p>Availability of information and academic counseling on general curricular and occupational/vocational opportunities</p> <p>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; G.L. c. 71A, § 7; c. 76, § 5; 603</p>		

CRITERION NUMBER				
	Legal Standard			
	CMR 26.03			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Rating: Partially Implemented</td> <td style="width: 30%;">District Response Required:</td> <td style="width: 20%;">Yes</td> </tr> </table>	Rating: Partially Implemented	District Response Required:	Yes
Rating: Partially Implemented	District Response Required:	Yes		

Department of Elementary and Secondary Education Findings:

The documents submitted by the district indicated that information is not consistently available to LEP [limited English proficient] students in Spanish, Portuguese, and other languages. The district indicated that some LEP Portuguese students do not have access to guidance and counseling in a language those students understand at the high school and alternative school

CRITERION NUMBER				
	Legal Standard			
CR 14	<p>Counseling and counseling materials free from bias and stereotypes To ensure that counseling and counseling materials are free from bias and stereotypes on the basis of race, color, sex, religion, national origin, sexual orientation, disability, and homelessness, all counselors:</p> <ol style="list-style-type: none"> 1. encourage students to consider programs of study, courses, extracurricular activities, and occupational opportunities on the basis of individual interests, abilities, and skills; 2. examine testing materials for bias and counteract any found bias when administering tests and interpreting test results; 3. communicate effectively with limited-English-proficient and disabled students and facilitate their access to all programs and services offered by the district; 4. provide limited-English-proficient students with the opportunity to receive guidance and counseling in a language they understand; 5. support students in educational and occupational pursuits that are nontraditional for their gender. <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.36; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37; Title II: 42 U.S.C. 12132; 28 CFR 35.130, 35.160; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 721; Mass. Const. amend. art. 114; G.L. c. 71A, § 7; c. 76, § 5; 603 CMR 26.04, 26.07(8)</p>			
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Rating: Partially Implemented	District Response Required:	Yes		

Department of Elementary and Secondary Education Findings:

Documentation and staff interviews indicated that limited English proficient students of languages other than Spanish do not have access to counseling and guidance in a language that they understand. Please see CR 13.

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; G.L. c. 76, § 5; 603 CMR 26.07(7)</p>			
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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</p> <ol style="list-style-type: none"> 1. Within ten days from a student's fifteenth consecutive unexcused absence, the school provides written notice to students age 16 or over and their parents or guardians. The notice is in English and the family's native language and states that the student and the parent or guardian may meet with a representative of the district within ten days from the date the notice was sent. At the request of the parent or guardian, the district may consent to an extension of the time for the meeting of not longer than fourteen days. 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. 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

CRITERION NUMBER				
	Legal Standard			
	<p>a) to inform them of the availability of publicly funded post-high school academic support programs and</p> <p>b) to encourage them to participate in those programs.</p> <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>G.L. c. 76, §§ 5, 18; St. 1965, c. 741</p>			
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Rating: Partially Implemented	District Response Required:	Yes		

Department of Elementary and Secondary Education Findings:

Documentation and staff interviews indicated that although the district has recently developed a letter that meets the elements of this criterion, it has not been sent to the last known address of each student who attended the high school in the district within the last two years.

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. <ol style="list-style-type: none"> a) The district has developed and implemented staff training at least annually on the use of physical 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. b) At the beginning of each school year, each school identifies staff authorized to serve as schoolwide resources to help ensure the proper administration of physical restraint. Staff so identified have completed in-depth training in the use of physical restraint consistent with 603 CMR 46.03(3) and (4). 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

CRITERION NUMBER				
	Legal Standard			
	<p>procedures for administrators, parents and the Department consistent with the regulations.</p> <p>5. The district has developed and implemented any applicable individual waiver procedures consistent with the regulations.</p> <p>G.L. c. 71, s. 37G; 603 CMR 46.00</p>			
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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> <p>1. Instructional support. The principal in each of the district’s schools promotes instructional practices responsive to student needs and ensures that adequate instructional support is available for students and teachers. Instructional support includes remedial instruction for students, consultative services for teachers, availability of reading instruction at the elementary level, appropriate services for linguistic minority students, and other services consistent with effective educational practices and the requirements of M.G.L. c. 71B, §2. The principal consults with the administrator of special education regarding accommodations and interventions for students. Such efforts and their results are documented and placed in the student record. Additionally, when an individual student is referred for an evaluation to determine eligibility for special education, the principal ensures that documentation on the use of instructional support services for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility.</p> <p>2. Curriculum Accommodation Plan. The principal implements a curriculum accommodation plan developed by the district’s general education program to ensure that all efforts have been made to meet the needs of diverse learners in the general education program. The plan assists the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the general education program including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning. The plan includes provisions encouraging teacher mentoring and collaboration and parental involvement. <i>(The plan may be part of a multi-year strategic plan.)</i></p> <p>3. Coordination with special education. The principal with the assistance of the</p>

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION		
	Legal Standard		
	<p>administrator of special education coordinates the delivery and supervision of special education services within each school building.</p> <p>4. Educational services in home or hospital. Upon receipt of a physician’s written order verifying that any student enrolled in a public school or placed by the public school in a private setting must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the principal arranges for provision of educational services in the home or hospital. Such services are provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services do not interfere with the medical needs of the student. The principal coordinates such services with the administrator for special education for eligible students. Such educational services are not considered special education unless the student has been determined eligible for such services, and the services include services on the student’s IEP.</p> <p>G.L. c. 71, § 38Q ½; 603 CMR 28.03(3)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	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 importance of information privacy and confidentiality.</p> <p>FERPA: 20 U.S.C. § 1232g; 34 CFR Part 99; G.L. c. 71, § 34H; 603 CMR 23.00, esp. 23.05(3)</p>			
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Rating: Implemented	District Response Required:	No		

CRITERION NUMBER				
	Legal Standard			
CR 21	<p>Staff training regarding civil rights responsibilities The district provides in-service training for all school personnel at least annually regarding civil rights responsibilities, including the prevention of discrimination and harassment on the basis of students' race, color, sex, religion, national origin and sexual orientation and the appropriate methods for responding to it in the school setting.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31-106.42; G.L. c. 76, § 5; 603 CMR 26.00, esp. 26.07(2), (3)</p>			
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Rating: Partially Implemented	District Response Required:	Yes		

Department of Elementary and Secondary Education Findings:

Documentation and staff interviews indicated that the district does not provide in-service training for all school personnel at least annually regarding civil rights requirements

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VII. SCHOOL FACILITIES
	Legal Standard
CR 22	<p>Accessibility of district programs and services for students with disabilities In at least one facility within the district, the district makes available and entirely accessible to students with disabilities all educational and vocational programs and services offered at each level (preschool, elementary and secondary).</p> <p>Section 504: 29 U.S.C. 794; 34 CFR 104.21,104.22; Title II: 42 U.S.C. 12132; 28 CFR 35.149, 35.150; Mass. Const. amend. art. 114; 603 CMR 28.03(1)(b)(1)</p>

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VII. SCHOOL FACILITIES		
	Legal Standard		
	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:

Staff interviews and observations indicated the space provided for the PDD/Autism program is the anteroom of an office used for ESL tutoring. The limited English proficient students must pass through the PDD/Autism classroom to get to the classroom space provided for their use.

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>		

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VIII. PROGRAM PLAN AND EVALUATION		
	Legal Standard		
	G.L. c. 76, § 5; 603 CMR 26.05(2)		
	Rating: Implemented	District Response Required:	No

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; 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. <p>FERPA: 20 U.S.C. § 1232g; 34 CFR Part 99; G.L. c. 71, § 34H; 603 CMR 23.05,</p>		

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IX. RECORD KEEPING		
	Legal Standard		
	23.07		
	Rating: Implemented	District Response Required:	No

ENGLISH LEARNER EDUCATION

**LEGAL STANDARDS AND
FINDINGS**

CRITERION NUMBER	ENGLISH LEARNER EDUCATION I. ASSESSMENT OF STUDENT PROGRESS		
	Legal Standard		
ELE 1	<p>Annual Assessment</p> <p>1. The district annually assesses the English proficiency of all limited English proficient (LEP) students.</p> <p>2. The following tests selected by the Massachusetts Board of Education are administered annually by qualified staff to students who are English learners:</p> <ul 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>Authority: NCLB, Title I and Title III; 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>Authority: NCLB, Title I, Title VI; 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; G.L. c. 71A, §§ 4, 5; 603 CMR 14.02; G.L. c. 76, § 5; 603 CMR 26.03		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Documentation, student record review, and staff interviews indicated that the district uses an internal form entitled "Waiver of Evaluation" which allows parents to waive initial evaluation of English proficiency level or in cases where a child is evaluated, allows the district to postpone such evaluation for up to 2 months after enrollment.

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: G.L. c. 71A, § 5; 603 CMR 14.04(3)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
<p>ELE 5</p>	<p>Program Placement and Structure</p> <p>1. The district places LEP students in</p> <ul 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 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. <p>2. Regardless of the program model, districts provide LEP students with content instruction that is based on the Massachusetts Curriculum Frameworks.</p> <p>3. Regardless of the program model, districts provide ESL/ELD instruction that is based on the English Language Proficiency Benchmarks and Outcomes.</p> <p>4. The district uses assessment data to plan and implement educational programs for students at different instructional levels.</p> <p style="text-align: center;">Authority: Title VI; EEOA; G.L. c. 71A, §§ 2, 4, 7</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

The district’s ESL Curriculum is fully aligned with the English Language Proficiency Benchmarks and Outcomes (ELPBO).

The district uses a variety of service models within the Framingham Public Schools. Sheltered English, ESL, Transitional Bilingual Education and Two-Way Models are offered to all students, and the Two-Way Program is well regarded as an exemplary model.

Because some staff members have not completed SEI PD in all of the four Categories, it is unlikely that all English Language learners are receiving effective sheltered content instruction at appropriate academic levels. However, the vast majority of students in the district are receiving effective content instruction.

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; G.L. c. 71A, § 4</p>			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 33%;">Rating: Implemented</td> <td style="width: 33%;">District Response Required:</td> <td style="width: 33%;">No</td> </tr> </table>	Rating: Implemented	District Response Required:	No
Rating: Implemented	District Response Required:	No		

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>		
	Rating: Commendable	District Response Required:	No

Department of Elementary and Secondary Education Findings:

Staff interviews and documents indicated that the district has implemented a best practice relative to the requirements of this criterion where each building has a staff person with the responsibility of facilitating parent involvement. The district wide policy for the Parent Involvement Facilitator requires that s/he host at least 4 activities for parents at the school in addition to the traditional know-your-school-night and parent teacher conferences.

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; G.L. c. 71, §38Q1/2</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Documentation and staff interviews indicated that English language support is not consistently available for students whose parents have declined entry into an ELE program. Some schools provide significant support while other schools provide no support at all. Staff interviews revealed that some staff may be wholly unaware of limited English proficient students assigned to the general education classroom after declining entry into an ELE program.

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; G.L. c. 71A, § 4</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
ELE 10	<ol style="list-style-type: none"> 1. Upon identification of a student as LEP, and annually thereafter, a notice is mailed to the parents or guardians written where practicable in the primary/home language as well as in English, that informs parents of: 		

CRITERION NUMBER			
	Legal Standard		
	<p>(a) the reasons for identification of the student as LEP; (b) the child's level of English proficiency; (c) program placement and/or the method of instruction used in the program; (d) how the program will meet the educational strengths and needs of the student; (e) how the program will specifically help the child learn English; (f) the specific exit requirements; and (g) the parents' right to apply for a waiver (see ELE 4), or to decline to enroll their child in the program (see ELE 8). (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, Part C, Sec. 3302(a), (c); G.L. c. 71A, § 7; 603 CMR 14.02</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Staff interviews, documentation, and the student record review indicated that at the high school level, notice is not sent annually to parents. Also, interviews, documents, and student record review indicated that report cards at the high school and middle school are not always written in a language understandable to the parent/guardian. At the time of this review, report cards at the high school and middle school level were not translated for any LEP parent, although some teachers, at some buildings elected to write comments in the native language of the home.

CRITERION NUMBER	ENGLISH LEARNER EDUCATION V. STUDENT SUPPORT SERVICES		
	Legal Standard		
ELE 11	<p>Equal Access to Academic Programs and Services</p> <p>1. The district does not segregate LEP students from their English-speaking peers, except where programmatically necessary, to implement an English learner education program.</p> <p>2. The district ensures that LEP students participate fully with their English-</p>		

CRITERION NUMBER	ENGLISH LEARNER EDUCATION V. STUDENT SUPPORT SERVICES		
	Legal Standard		
	<p>speaking peers and are provided support in non-core academic courses.</p> <ol style="list-style-type: none"> 3. The district ensures that LEP students have the opportunity to receive support services, such as guidance and counseling, in a language that the student understands. 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>Authority: Title VI; EEOA; G.L. c. 71, § 38Q1/2; 603 CMR 28.03(3)(a); c. 71A, § 7; c. 76, § 5; 603 CMR 26.03; 603 CMR 26.07(8)</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Documents, staff interviews, and student records indicated information provided in the course of studies handbook for the middle and high school is not provided in a language and mode of communication understood by the limited English proficient student. The district also submitted a statement that although guidance counseling at the high school is available to limited English proficient students in Spanish, there is insufficient staff to address students whose native language is Portuguese and counseling is not available in any other language. Students at the high school level who are identified as limited English proficient do not have access to early childhood vocational education programs, or honors level courses. Finally, support in the non-core academic courses is limited at the high school level where teachers have not received training in sheltering content for English language learners.

At the elementary school level, LEP students at the Brophy and Potter Road schools do not participate fully with their English speaking peers in Art, Music, and Physical Education. In addition, please see CR 3, CR 13 and CR 14.

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; G.L. c. 76, § 5; 603 CMR 26.06(2)</p>		
	<table border="1" style="width: 100%;"> <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
Rating: Partially Implemented	District Response Required: Yes		

Department of Elementary and Secondary Education Findings:

Staff interviews and documents indicated that the district does not always provide appropriate support and information in a language they understand, particularly at the high school level. Please see ELE 11, CR 3, CR 13 and CR 14.

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>Authority: Title VI; EEOA; NCLB, Title III</p>		
	<table border="1" style="width: 100%;"> <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
Rating: Partially Implemented	District Response Required: Yes		

Department of Elementary and Secondary Education Findings:

Documentation and student records indicated that the district has appropriate forms to actively monitor students who have exited the English language learner program; however, interviews of staff and building administration at the high school level, as well as district-wide administrators, indicated that not all teachers are aware of which students in the general education classroom are former English language learners.

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. (a) Every district, including every Commonwealth charter school, has at least one teacher who has an English as a Second Language, Transitional Bilingual Education, or English Language Learners license under G.L. c.71, § 38G and 603 CMR 7.04(3). (This requirement does not apply separately to Horace Mann charter schools.) (b) Except at Commonwealth charter schools, <i>every</i> teacher or other educational staff member who teaches limited English proficient students holds an appropriate license or current waiver issued by the Department of Elementary and Secondary Education. (c) All teachers and other educational staff who teach LEP students, including those at Commonwealth charter schools, have received or are engaged in the professional development described in Attachment 1 to the commissioner’s memorandum of June 15, 2004. (See p. 8 at http://www.doe.mass.edu/ell/sei/qualifications.pdf.) 3. Except at Commonwealth charter schools, any director of English language learner programs who is employed in that role for one-half time or more has a Supervisor/Director license and an English as a Second Language, Transitional Bilingual Education, or English Language Learners license. 4. If a district with 200 or more LEP students—including any Commonwealth charter school 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. (This requirement does not apply separately to Horace Mann charter schools.) <p>Authority: Title VI; EEOA; G.L. c. 71, § 38G, §89(qq); St. 2002, c. 218, §§ 24, 25, 30; 603 CMR 7.04(3), 7.09(3)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	Legal Standard		
ELE 15	<p>Professional Development Requirements</p> <p>District schools with LEP students implement a professional development plan that provides teachers and administrators with high quality training, as prescribed</p>		

CRITERION NUMBER				
	Legal Standard			
	<p>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>			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Rating: Partially Implemented</td> <td style="width: 25%;">District Response Required:</td> <td style="width: 25%;">Yes</td> </tr> </table>	Rating: Partially Implemented	District Response Required:	Yes
Rating: Partially Implemented	District Response Required:	Yes		

Department of Elementary and Secondary Education Findings:

Based on a review of district documentation, it is clear that the district has made Sheltered English Immersion professional development a priority. Although the district has not reached its goal of having all of its teachers trained in the four Categories, it has made substantial progress and has submitted a clear and specific PD plan for the 2009-10 school year and beyond. The highest numbers of teachers are trained in Categories 2 and 3, while the lowest numbers of teachers trained are in Category 4 in the district.

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VII. SCHOOL FACILITIES					
	Legal Standard					
ELE 16	<p>Equitable Facilities</p> <p>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; G.L. c. 76, § 5; 603 CMR 26.07</p>					
	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Rating: Partially Implemented</td> <td style="width: 25%;">District Response Required:</td> <td style="width: 25%;">Yes</td> </tr> </table>	Rating: Partially Implemented	District Response Required:	Yes		
Rating: Partially Implemented	District Response Required:	Yes				

Department of Elementary and Secondary Education Findings:

Staff interviews and observations of facilities indicated that the space provided for one English as a Second Language class is not comparable to the facilities provided to the overall student population where the limited English proficient students must pass through the PDD/Autism classroom to get to the classroom space provided for their use and that space does not have any another means of access or egress. See CR 23.

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 program evaluation.</p> <p style="text-align: center;">Authority: Title VI; EEOA</p>		
	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: center;">Authority: Title VI; EEOA; 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:

Student record review indicated that not all records contain all of the required documentation as required by this criterion. Although there was no clear pattern regarding the absence of required documents, 90% of the records reviewed were incomplete as to at least one item. Missing documents most commonly were the home language survey, annual notice letter, proficiency test scores (MEPA, MELA-O, MCAS), previous schooling, monitoring forms, opt-out forms, or ISSP as appropriate.

**CAREER/VOCCATIONAL TECHNICAL
EDUCATION**

**LEGAL STANDARDS
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: Implemented	District Response Required:	No

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: Not Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

While review of documentation shows that students have begun receiving career assessments in grade 9, there is no evidence that these and other academic assessments are used to tailor instructional and support services or to improve programs. Assessment results, such as MCAS results, are not shared and interpreted with technical teachers to the same degree as they are shared and interpreted with academic teachers.

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: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

While the district has developed a standard evaluation rubric, the district did not sufficiently document the use of this rubric in all non-Chapter 74 career and technical education programs for measuring the acquisition of knowledge and skills. Specifically, a review of student records showed inconsistent documentation. Documentation submitted by the district included program evaluation materials for programs such as Web Design, Digital Photography, and Computer Science, but not for other programs such as Foods and Fashion Design. As not all programs include technical, academic, employability, management & entrepreneurship, and technological knowledge and skills, these are not measured for all career and technical education students.

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:

Not all career/vocational technical education programs are described for students and parents/guardians. For example, while an interview revealed that an independent study option is available for all non-Chapter 74 career and technical education programs, the Program of Studies document only lists this option for three non-Chapter 74 career and technical education programs, and

provides a written description for only one (Technology/Engineering).

Recruitment information submitted with documentation did not include materials in languages other than English. A one-page information sheet on articulation agreements submitted with recruitment materials was not available in languages other than English.

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 review of documentation reveal a district practice that prohibits students who are limited English proficient from accessing non-Chapter 74 career and technical education programs if they are in their first or second year of living in the United States. Oversubscription of non-Chapter 74 career and technical education programs limits subsequent enrollment for students with limited English proficiency by the time they reach their third and fourth year of living in the United States.

It is unclear if students in the Phoenix Program, a substantially separate special education program participate in non-Chapter 74 career and technical education programs, which would include a “sequence of courses.” Interviews reveal that the decision for a student in the Phoenix Program to participate in electives, which may include non-Chapter 74 career and technical education courses is made through a team meeting. However, interviews reveal that students in the Phoenix Program are sometimes steered away from specific courses (such as Drafting) and encouraged toward others (such as Foods and Clothing). October 2008 SIMS data reveals that 8% percent of students enrolled in Drafting were students with disabilities, while 17% of students enrolled in Family and Consumer Studies (Foods and Clothing) were students with disabilities.

Interviews and review of documentation reveal that students at the Eugene Thayer Campus do not access, nor are they enrolled in, non-Chapter 74 career and technical education programs.

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: Not Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Interviews and review of documentation reveal that several programs are oversubscribed, requiring a selection process. Page 5 of the 2009-2010 Program of Studies document refers to school placement policies and includes, “Not all student choices can be accommodated because of scheduling constraints and school placement policies.” However, reviewers found no clear policy for admission to non-Chapter 74 career and technical education programs. How students are admitted varies from program to program. For example, teacher recommendations are required for some but not for all programs and priority may also be based on grade level. Teacher recommendations are based on criteria that are not consistent or clearly identified.

Review of documentation reveals that at least two non-Chapter 74 career and technical education programs offer an independent study option for those students who did not gain access to the regular program due to class size limit and oversubscription, yet there is no clear process of selection or policy for admission to ensure equitable access to an independent study opportunity.

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: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Interviews and review of documentation reveal that not all programs meet the Perkins IV definition of career and technical education. Not all programs have been reviewed and endorsed by representatives of business/industry specific to the program, not all programs publish and disseminate to students and parents/guardians the knowledge and skills to be acquired by students in that program, not all programs

include integrated academic and technical instruction, and not all programs provide for the equitable participation by students who are members of special populations.

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: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Interviews and review of documentation reveal that not all programs meet the Perkins IV definition of career and technical education. Not all programs have been reviewed and endorsed by representatives of business/industry specific to the program, not all programs publish and disseminate to students and parents/guardians the knowledge and skills to be acquired by students in that program, not all programs include integrated academic and technical instruction, and not all programs provide for the equitable participation by students who are members of special populations.

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: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

For most non-Chapter 74 career and technical education programs, Framingham High School utilizes staff from the postsecondary institutions with which they articulate to come as guest speakers, and to serve in advisory roles. However, not all courses that are reported in SIMS under CIP Code 1907 Family and Consumer Studies have articulation agreements. Subsequently, these programs have no comparable advisory staff. Interviews reveal that lack of articulation agreements is linked to lack of a full evaluation process for these programs.

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: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Interviews suggested that the school has begun to establish a system for developing Career Plans. Review of documentation reveals that not all students have a Career Plan in place (less than half of the student records reviewed included Career Plans). Of those records that included Career Plans, several were filled out minimally, while a few were more complete. There is no evidence that Career Plans are developed with the involvement of parents/guardians.

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: Implemented	District Response Required:	No

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>

CRITERION NUMBER			
	Legal Standard		
	<table border="1" style="width: 100%;"> <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
Rating: Partially Implemented	District Response Required: Yes		

Department of Elementary and Secondary Education Findings:

Interviews and review of documentation reveal that some, but not all non-Chapter 74 career and technical education programs are structured so that students acquire technical knowledge and skills. Technical course syllabi documentation submitted by the district, program evaluation materials, and interviews reveal disparities of rigor and content between technical programs as well as between sequences of courses.

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>		
	<table border="1" style="width: 100%;"> <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
Rating: Partially Implemented	District Response Required: Yes		

Department of Elementary and Secondary Education Findings:

Documentation and interviews indicate that while some embedded academics were evidenced through lesson plans, there is no formal system to support academic and technical integration. However, initiatives and efforts by some individuals exist, such as team teaching in the Engineering course.

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>		
	<table border="1" style="width: 100%;"> <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
Rating: Partially Implemented	District Response Required: Yes		

Department of Elementary and Secondary Education Findings:

Interviews and review of documentation show that not all non-Chapter 74 career and technical education programs address employability knowledge and skills. While students have the option to take electives, which may address some employability knowledge and skills, no such courses are required.

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 review of documentation show that not all non-Chapter 74 career and technical education programs address management & entrepreneurship knowledge and skills. While students have the option to take electives, which may address some management & entrepreneurship knowledge and skills, no such courses are required.

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:

Documentation and interviews reveal that not all non-Chapter 74 career and technical education programs provide students with technological (computer, etc.) knowledge and skills. Student acquisition of technological knowledge and skills is not required for all students enrolled in non-Chapter 74 career and technical education programs. While students have the option to take elective courses, which may address technological knowledge and skills, these courses are not required.

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:

Review of documentation reveals that most, but not all non-Chapter 74 career and technical education programs have at least one articulation agreement; however, not all agreements are updated. The 2009-2010 Program of Studies document includes only a reference to articulation agreements, “Tech Prep courses (TP) are articulated with post-secondary schools for possible college credit.” Interviews suggest that some individual teachers provide information to students in their programs, and an informational sheet in English was provided with the documentation for recruitment materials. However, there was no evidence that all students and their parents/guardians receive information on these opportunities. Some technical teachers invite speakers from the colleges they articulate with to speak directly to the students about the articulation agreement, while other non-Chapter 74 career and technical education programs have yet to be articulated with any colleges or registered apprenticeship programs.

Some non-Chapter 74 career and technical education programs are given the designation College Prep and are consequently weighted, while others, including some with articulation agreements, are un-weighted. Page 5 of the 2009-1010 Program of Studies document describes un weighted; “These courses will meet minimal requirements. Represents courses that are not computed into rank or GPA. These courses may be very challenging, but they are not considered to be predictors of college success.” In addition, the Independent Study CPI (described on page 74 of the Program of Studies document) is different than the Independent Study in Technology/Engineering, which is un weighted (described on page 67 of the Program of Studies document).

Where some non-Chapter 74 career and technical education programs with articulation agreements are designated CPI and are weighted, others with articulation agreements are designated TP and are un weighted. For example, documentation included an articulation agreement with New England Institute of Technology for Graphic Design (semester course worth .5 credits) and an articulation agreement with Mass Bay Community College for Digital Photography (semester course worth .5 credits), yet these courses are designated as (un weighted) TP. In contrast, there is an articulation agreement with Mass Bay Community College for Computer Science (semester course worth .5 credits) and an articulation agreement exists with Mass Bay Community College for Child Growth and Development (full year course worth 1 credit) both of which are designated as (weighted) CPI.

No non-Chapter 74 career and technical education programs that are reported in SIMS under CIP Code 1907 Family and Consumer Studies have 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:

There are no Chapter 74-approved vocational technical education programs, and therefore there is no cooperative education.

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:

Framingham High School offers a Career Development Program (formerly Work Study). A description of the course is included in the 2009-2010 Program of Studies document, and a separate packet of information regarding this program was provided during the onsite review. However, there is no published policy for entrance to and participation in this program. Documentation included a memo to employers on equal education and employment opportunities, which included the Framingham Public Schools nondiscrimination policy, but which did not include “disability” or “sexual orientation.” The district does not conduct Criminal Offender Record Information (CORI) checks for students placed on non-cooperative education (unpaid) work-based learning. In addition, interviews revealed that school supervision does occur, but is sporadic.

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:

There is no off-site construction.

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		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

The district operates two high school alternative education programs, Resiliency for Life and Framingham High School Eugene Thayer Campus. Interviews and review of documentation reveal that students in the Resiliency For Life program do access and participate in non-Chapter 74 career and technical education programs. However, students at the Eugene Thayer Campus do not access, nor are they enrolled in, non-Chapter 74 career and technical education programs. There are no published policies and procedures regarding entrance into and exit from the Eugene Thayer Campus program.

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: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Interviews and review of documentation indicate that students in the district's Phoenix Program, a substantially separate special education program do have access to technical electives, usually beginning in grade 10 or grade 11. It is unclear if students in the Phoenix Program participate in non-Chapter 74 career and technical education programs, which would include a "sequence of courses." Interviews reveal that the decision for a student in the Phoenix Program to participate in technical electives, which may include a sequence of programs, is made through an IEP team meeting. However, interviews reveal that students in the Phoenix Program are sometimes steered away from specific courses (such as Drafting) and encouraged toward others (such as Foods and Clothing). As stated in CVTE 6, several programs are oversubscribed, and reviewers found no clear policy for admission to non-Chapter 74 career and technical education programs.

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:	No

Department of Elementary and Secondary Education Findings:

Interviews and review of documentation reveal that while translation services are available through the district and while there is a processes to access these services, students sometimes translate for other students and, at times, bilingual staff are used in place of translation services that could be provided through the Office of Equity and Achievement. Interviews revealed that, at times, students with limited English proficiency are steered away from more "language based" non-Chapter 74 career and technical education programs toward ones that are more "hands on" and may be more accessible.

See also ELE 11, CR 13, and CR 14.

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: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

There are four non-Chapter 74 career and technical education programs at Framingham High School that are nontraditional for one gender. While interviews suggest that students of the underrepresented gender do enroll, there was no evidence that any support services exist for this special population. Review of student records indicates "verbal only" beside documentation of support services for this special population.

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: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Interviews and review of documentation, including the Educator Licensing and Recruitment (ELAR) System, reveals that a teacher in a non-Chapter 74 career and technical education program is not yet licensed to teach grade levels 9-12 and is not on a waiver.

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: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

The district submitted the Framingham Public Schools Professional Development Plan 2005-2011. Additional documentation included emails and pamphlets regarding workshops and conferences attended by some non-Chapter 74 career and technical education program staff in the past year; however, interviews and review of documentation reveal a deficit of professional development in the areas of working with students with limited English proficiency. SEI Category trainings were included in the district professional plan, yet few staff working with career and technical education students have taken these trainings. Interviewers requested a list of professional development received by all staff in the past year, but this was not provided. See also, CR 20.

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 review of documentation reveal that a written shop safety and health plan does not exist for every non-Chapter 74 career/vocational technical education program. The Office for Career/Vocational Technical Education unit sent the safety report on the inspections to Superintendent Thayer on June 4, 2009. There are eleven (11) safety hazards identified in the report. Note that eight (8) of the eleven (11) safety hazards are deemed items of immediate concern and thus need to be addressed immediately. The eight (8) are item #'s 01, 02, 04, 05, 06, 07, 09, and 10. Corrective action on the remaining three (3) safety hazards should also begin.

CRITERION 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:
See CVTE 29.

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:
See CVTE 29

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:

See CVTE 29

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:

For Perkins Performance Year One (2007-2008), the district did not meet at least 90% of the performance level for the populations with 16 or more students for the following core indicators:

ISI Academic Attainment Language Arts Core Indicator:

Disability Status-required = 45.25; actual = 25.00

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>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Based on a review of documentation provided by the district and interviews, technical teachers are not regularly provided with Perkins Act Core Indicator of Performance data specific to their non-Chapter 74 career and technical education program in order to plan for improving programs and student outcomes. Interviews reveal that while the Test Wiz system is available to all staff, data such as MCAS data, is accessed by academic teachers, but not consistently accessed by technical teachers.

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:

Review of student records evidenced overall lack of documentation and inconsistent documentation. Not all student records evidenced Career Plans. Of the Career Plans reviewed, several were filled out minimally, while a few were more complete. There was no clear documentation of how assessment results and guidance activities are used in planning the student's program of study using a Career Plan. Documentation of support services and activities for students participating in programs to prepare her/him for a career that would be nontraditional for her/his was a comment "verbal only." The documentation of the acquisition of knowledge and skills was limited and inconsistent.

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: Implemented	District Response Required:	No

Coordinated Program Review Final Reports are available at:

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

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

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

Final Report SPRING SE CR ELE CVTE – 2009

File Name: Framingham CPR Final Report 2009

Last Revised on: September 10, 2009

Prepared by: AH/EYA